

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE MAY 1, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1476

Introduced by Senator Figueroa

February 23, 2006

An act to amend Sections 30, 473.15, *1601.1*, 1742, 2460, 2570.4, 2570.19, 2602, 2668, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3516.1, 3685, 3710, 3716, 3765, 4001, 4003, 4034, ~~4163~~ *4162*, *4162.5*, *4163.5*, 4169, 4200.1, 4800, 4804.5, 4928, 4934, ~~4990.1~~, 5510, 5517, 5620, 5621, 5622 5810, *5811*, 6704, 6710, 6712, 6714, 6716, 6726.2, 6730, 6732.3, 6738, 6740, 6750, 6753, 6754, 6787, 7000.5, 7011, 7200, 7215.6, 7810, 7815.5, 8000, 8710, 8729, 8740, ~~and 8745 of~~, *8745*, *and 22251 of*, *to amend and repeal Section 4163 of*, to add Sections 2660.5, *4163.1*, 6732.5, and 6746.1 to, and to repeal Section ~~4163.5~~ *4163.6* of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, as amended, Figueroa. Professions and vocations.

(1) Existing law regulates various professions and vocations by various boards within the Department of Consumer Affairs. Existing law requires those boards, and the State Bar of California and the Department of Real Estate, to require a licensee, at the time of issuance or renewal of a license, to provide the licensee's federal

employer identification number, if the licensee is a partnership, or his or her social security number.

This bill would instead impose that requirement only when a license is issued.

(2) Existing law provides for the licensing and regulation of dentists by the Dental Board of California. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2007, and repeal them on January 1, 2008, but only if SB 1472 is not enacted or does not amend that provision.

(3) Existing law, ~~the Dental Practice Act,~~ provides for the licensing and regulation of dental auxiliaries by the Committee on Dental Auxiliaries. Existing law provides for the licensure and regulation of psychologists by the Board of Psychology, requires the board to employ necessary personnel, and authorizes the board to employ an executive officer. Existing law provides for the licensure and regulation of acupuncturists by the Acupuncture Board and requires the board to employ necessary personnel, including an executive officer. ~~Existing law provides for the licensure and regulation of the practice of behavioral health by the Board of Behavioral Sciences and authorizes the board to appoint an executive officer.~~ Existing law provides for the licensure and regulation of geologists and geophysicists by the Board for Geologists and Geophysicists and for the licensure and regulation of court reporters by the Court Reporters Board of California. Existing law provides for the licensure and regulation of contractors by the Contractors' License Board. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(3)

(4) Existing law provides for the licensing and regulation of podiatrists by the California Board of Podiatric Medicine, within the jurisdiction of the Medical Board of California. Existing law provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, in the Department of Consumer Affairs, and requires the board to appoint an executive officer. Existing law provides for the licensure and regulation of optometrists by the State Board of Optometry, in the Department of Consumer Affairs, and

authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

~~(4)~~

(5) Existing law, the Occupational Therapy Practice Act, provides for the licensing and regulation of occupational therapists and the certification and regulation of occupational therapy assistants by the California Board of Occupational Therapy. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law exempts certain persons from the requirements of the act, including a licensee from a state with commensurately stringent requirements, if the services are performed for less than 45 days in a calendar year and are performed in association with an occupational therapist licensed under the act.

This bill would instead require a licensee from a state with commensurately stringent requirements to have filed with the board an application for licensure as an occupational therapist or certified occupational therapy assistant and would require that his or her services be performed for no more than 60 days from the date on which the application is filed. The bill would delete the requirement that the services be performed in association with an occupational therapist licensed in the state. *This bill would also restrict the practice of occupational therapists and occupational therapist assistants who have previously been denied a license in this state.*

~~(5)~~

(6) Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law provides for a diversion program for the rehabilitation of physical therapists and physical therapist assistants abusing drugs or alcohol, and authorizes the board to charge a fee of up to \$100 for

participation in the program. Existing law requires persons convicted of certain sex offenses to register as sex offenders, as specified.

This bill would change the fee for participation in the diversion program to the amount necessary to cover the actual cost of administering the program. Because this bill could increase the fee revenue deposited into the Physical Therapy Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would also require the board to deny licensure as a physical therapist or approval as a physical therapist assistant if the applicant is required to register as a sex offender, unless the registration is required as a result of a misdemeanor conviction for indecent exposure.

(6)

(7) Existing law provides for the licensure and regulation of physician assistants by the Physician Assistant Committee of the Medical Board of California. Existing law requires the committee to employ necessary personnel, including an executive officer. Existing law prohibits a physician who provides services in a medically underserved area from supervising more than 4 physician assistants at one time. Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind that licenses schools for the training of guide dogs for the blind. Existing law also establishes a pilot project for the arbitration of disputes between guide dog users and guide schools relating to the continued physical custody and use of the guide dog when the dog user is not the legal owner of the dog. All of these provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(7)

(8) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of the practice of naturopathic medicine, and establishes the Bureau of Naturopathic Medicine, in the Department of Consumer Affairs, which is responsible for the administration of the act. A violation of certain provisions of the act is a crime. The act will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make the act inoperative on July 1, 2010, and would repeal it on January 1, 2011.

Because this bill would extend the application of certain provisions, the violation of which would be a crime, it would impose a state-mandated local program.

(8)

(9) Existing law, the Respiratory Care Practice Act, provides for the licensure and regulation of respiratory professionals by the Respiratory Care Board of California, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

Existing law defines the practice of respiratory therapy, and prohibits its practice without a license issued by the board, subject to certain exceptions.

This bill would specify that a person employed by a home medical device retail facility or a licensed home health agency is not prohibited by the act from performing respiratory care or related services authorized by the board.

(9)

(10) Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy and the sale of dangerous drugs or dangerous devices by the California State Board of Pharmacy, in the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

On and after January 1, 2007, existing law prohibits a wholesaler or pharmacy from selling, trading, or transferring a dangerous drug without a pedigree, as defined, and prohibits a wholesaler or pharmacy from acquiring a dangerous drug without receiving a pedigree, unless the compliance date is extended. Existing law authorizes the board to extend the compliance date to January 1, 2008, in specified circumstances.

This bill would instead impose the prohibition against selling, trading, transferring, or acquiring a dangerous drug without a pedigree on January 1, ~~2008~~, 2009, *and would extend the board's authority to extend the compliance date. The bill would also impose additional*

requirements with respect to information required to be contained in a pedigree and would make other conforming changes.

(10)

Existing law requires a surety bond to secure payments of fines by resident and nonresident dangerous drug wholesalers. These provisions are repealed on January 1, 2011.

This bill would instead repeal those provisions on January 1, 2015.

(11) Existing law provides for the licensure and regulation of veterinarians by the Veterinary Medical Board in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. Existing law provides for the licensure and regulation of architects by the California Architects Board and authorizes the board to appoint an executive officer. Existing law provides for the creation of the Landscape Architects Technical Committee to assist the board with specified functions. These provisions will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(11)

(12) Existing law provides for a certification process for interior designers, and repeals those provisions on January 1, 2008.

This bill would instead repeal those provisions on January 1, 2010.

(12)

(13) Existing law provides for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors, in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012. ~~The~~

The bill would change the date on which board member terms expire. The bill would revise certain voting requirements for actions taken by the board. The bill would revise provisions relating to the use of a person's name in the name of an engineering business or a land surveying business. The bill would require all businesses engaged in civil, electrical, or mechanical engineering services to file a current organization record with the board.

Existing law authorizes the board to give one year of credit as qualifying experience for a postgraduate degree in a school of engineering.

This bill would instead authorize the board to give up to 5 years of credit as qualifying experience. The bill would authorize the board to make arrangements with an organization to conduct examinations for licensure. The bill would revise other related provisions and make technical changes.

~~(13)~~

(14) Existing law requires the body that certifies interior designers to report by September 1, 2005 on the effectiveness of the California Code and Regulation Examination for interior design professionals.

This bill would extend the reporting date to September 1, 2008.

(15) Existing law imposes various requirements on tax preparers. Existing law recognizes the California Tax Education Council as an organization representing various interested organizations in the tax return preparation industry and that performs certain functions pursuant to law. Existing law requires the council to establish a process for 2 individual tax preparers to be appointed to the council with full voting privileges.

The bill would increase the number of individual tax preparers to be appointed to 6.

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30 of the Business and Professions
- 2 Code is amended to read:
- 3 30. (a) Notwithstanding any other provision of law, any
- 4 board, as defined in Section 22, and the State Bar and the
- 5 Department of Real Estate shall at the time of issuance of the
- 6 license require that the licensee provide its federal employer

1 identification number, if the licensee is a partnership, or his or
2 her social security number for all others.

3 (b) Any licensee failing to provide the federal identification
4 number or social security number shall be reported by the
5 licensing board to the Franchise Tax Board and, if failing to
6 provide after notification pursuant to paragraph (1) of
7 subdivision (b) of Section 19528 of the Revenue and Taxation
8 Code, shall be subject to the penalty provided in paragraph (2) of
9 subdivision (b) of Section 19528 of the Revenue and Taxation
10 Code.

11 (c) In addition to the penalty specified in subdivision (b), a
12 licensing board may not process any application for an original
13 license unless the applicant or licensee provides its federal
14 employer identification number or social security number where
15 requested on the application.

16 (d) A licensing board shall, upon request of the Franchise Tax
17 Board, furnish to the Franchise Tax Board the following
18 information with respect to every licensee:

19 (1) Name.

20 (2) Address or addresses of record.

21 (3) Federal employer identification number if the entity is a
22 partnership or social security number for all others.

23 (4) Type of license.

24 (5) Effective date of license or a renewal.

25 (6) Expiration date of license.

26 (7) Whether license is active or inactive, if known.

27 (8) Whether license is new or a renewal.

28 (e) For the purposes of this section:

29 (1) "Licensee" means any entity, other than a corporation,
30 authorized by a license, certificate, registration, or other means to
31 engage in a business or profession regulated by this code or
32 referred to in Section 1000 or 3600.

33 (2) "License" includes a certificate, registration, or any other
34 authorization needed to engage in a business or profession
35 regulated by this code or referred to in Section 1000 or 3600.

36 (3) "Licensing board" means any board, as defined in Section
37 22, the State Bar, and the Department of Real Estate.

38 (f) The reports required under this section shall be filed on
39 magnetic media or in other machine-readable form, according to
40 standards furnished by the Franchise Tax Board.

1 (g) Licensing boards shall provide to the Franchise Tax Board
2 the information required by this section at a time that the
3 Franchise Tax Board may require.

4 (h) Notwithstanding Chapter 3.5 (commencing with Section
5 6250) of Division 7 of Title 1 of the Government Code, the social
6 security number and federal employer identification number
7 furnished pursuant to this section shall not be deemed to be a
8 public record and shall not be open to the public for inspection.

9 (i) Any deputy, agent, clerk, officer, or employee of any
10 licensing board described in subdivision (a), or any former
11 officer or employee or other individual who in the course of his
12 or her employment or duty has or has had access to the
13 information required to be furnished under this section, may not
14 disclose or make known in any manner that information, except
15 as provided in this section to the Franchise Tax Board or as
16 provided in subdivision (k).

17 (j) It is the intent of the Legislature in enacting this section to
18 utilize the social security account number or federal employer
19 identification number for the purpose of establishing the
20 identification of persons affected by state tax laws and for
21 purposes of compliance with Section 17520 of the Family Code
22 and, to that end, the information furnished pursuant to this
23 section shall be used exclusively for those purposes.

24 (k) If the board utilizes a national examination to issue a
25 license, and if a reciprocity agreement or comity exists between
26 the State of California and the state requesting release of the
27 social security number, any deputy, agent, clerk, officer, or
28 employee of any licensing board described in subdivision (a)
29 may release a social security number to an examination or
30 licensing entity, only for the purpose of verification of licensure
31 or examination status.

32 (l) For the purposes of enforcement of Section 17520 of the
33 Family Code, and notwithstanding any other provision of law,
34 any board, as defined in Section 22, and the State Bar and the
35 Department of Real Estate shall at the time of issuance of the
36 license require that each licensee provide the social security
37 number of each individual listed on the license and any person
38 who qualifies the license. For the purposes of this subdivision,
39 “licensee” means any entity that is issued a license by any board,

1 as defined in Section 22, the State Bar, the Department of Real
2 Estate, and the Department of Motor Vehicles.

3 SEC. 2. Section 473.15 of the Business and Professions Code
4 is amended to read:

5 473.15. (a) The Joint Committee on Boards, Commissions,
6 and Consumer Protection established pursuant to Section 473
7 shall review the following boards established by initiative
8 measures, as provided in this section:

9 (1) The State Board of Chiropractic Examiners established by
10 an initiative measure approved by electors November 7, 1922.

11 (2) The Osteopathic Medical Board of California established
12 by an initiative measure approved June 2, 1913, and acts
13 amendatory thereto approved by electors November 7, 1922.

14 (b) The Osteopathic Medical Board of California shall prepare
15 an analysis and submit a report as described in subdivisions (a) to
16 (e), inclusive, of Section 473.2, to the Joint Committee on
17 Boards, Commissions, and Consumer Protection on or before
18 September 1, 2010.

19 (c) The State Board of Chiropractic Examiners shall prepare
20 an analysis and submit a report as described in subdivisions (a) to
21 (e), inclusive, of Section 473.2, to the Joint Committee on
22 Boards, Commissions, and Consumer Protection on or before
23 September 1, 2011.

24 (d) The Joint Committee on Boards, Commissions, and
25 Consumer Protection shall, during the interim recess of 2004 for
26 the Osteopathic Medical Board of California, and during the
27 interim recess of 2011 for the State Board of Chiropractic
28 Examiners, hold public hearings to receive testimony from the
29 Director of Consumer Affairs, the board involved, the public, and
30 the regulated industry. In that hearing, each board shall be
31 prepared to demonstrate a compelling public need for the
32 continued existence of the board or regulatory program, and that
33 its licensing function is the least restrictive regulation consistent
34 with the public health, safety, and welfare.

35 (e) The Joint Committee on Boards, Commissions, and
36 Consumer Protection shall evaluate and make determinations
37 pursuant to Section 473.4 and shall report its findings and
38 recommendations to the department as provided in Section 473.5.

39 (f) In the exercise of its inherent power to make investigations
40 and ascertain facts to formulate public policy and determine the

1 necessity and expediency of contemplated legislation for the
2 protection of the public health, safety, and welfare, it is the intent
3 of the Legislature that the State Board of Chiropractic Examiners
4 and the Osteopathic Medical Board of California be reviewed
5 pursuant to this section.

6 (g) It is not the intent of the Legislature in requiring a review
7 under this section to amend the initiative measures that
8 established the State Board of Chiropractic Examiners or the
9 Osteopathic Medical Board of California.

10 *SEC. 3. Section 1601.1 of the Business and Professions Code*
11 *is amended to read:*

12 1601.1. (a) There shall be in the Department of Consumer
13 Affairs the Dental Board of California in which the
14 administration of this chapter is vested. The board shall consist of
15 eight practicing dentists, one registered dental hygienist, one
16 registered dental assistant, and four public members. Of the eight
17 practicing dentists, one shall be a member of a faculty of any
18 California dental college and one shall be a dentist practicing in a
19 nonprofit community clinic. The appointing powers, described in
20 Section 1603, may appoint to the board a person who was a
21 member of the prior board. The board shall be organized into
22 standing committees dealing with examinations, enforcement,
23 and other subjects as the board deems appropriate.

24 (b) For purposes of this chapter, any reference in this chapter
25 to the Board of Dental Examiners shall be deemed to refer to the
26 Dental Board of California.

27 (c) The board shall have all authority previously vested in the
28 existing board under this chapter. The board may enforce all
29 disciplinary actions undertaken by the previous board.

30 (d) This section shall become inoperative on July 1, ~~2008~~
31 2007, and, as of January 1, ~~2009~~ 2008, is repealed, unless a later
32 enacted statute that is enacted before January 1, ~~2009~~ 2008,
33 deletes or extends the dates on which it becomes inoperative and
34 is repealed. The repeal of this section renders the board subject to
35 the review required by Division 1.2 (commencing with Section
36 473).

37 ~~SEC. 3.~~

38 *SEC. 4. Section 1742 of the Business and Professions Code is*
39 *amended to read:*

1 1742. (a) There is within the jurisdiction of the board a
2 Committee on Dental Auxiliaries.

3 (b) The Committee on Dental Auxiliaries shall have the
4 following areas of responsibility and duties:

5 (1) The committee shall have the following duties and
6 authority related to education programs and curriculum:

7 (A) Shall evaluate all dental auxiliary programs applying for
8 board approval in accordance with board rules governing the
9 programs.

10 (B) May appoint board members to any evaluation committee.
11 Board members so appointed shall not make a final decision on
12 the issue of program or course approval.

13 (C) Shall report and make recommendations to the board as to
14 whether a program or course qualifies for approval. The board
15 retains the final authority to grant or deny approval to a program
16 or course.

17 (D) Shall review and document any alleged deficiencies that
18 might warrant board action to withdraw or revoke approval of a
19 program or course, at the request of the board.

20 (E) May review and document any alleged deficiencies that
21 might warrant board action to withdraw or revoke approval of a
22 program or course, at its own initiation.

23 (2) The committee shall have the following duties and
24 authority related to applications:

25 (A) Shall review and evaluate all applications for licensure in
26 the various dental auxiliary categories to ascertain whether a
27 candidate meets the appropriate licensing requirements specified
28 by statute and board regulations.

29 (B) Shall maintain application records, cashier application
30 fees, and perform any other ministerial tasks as are incidental to
31 the application process.

32 (C) May delegate any or all of the functions in this paragraph
33 to its staff.

34 (D) Shall issue auxiliary licenses in all cases, except where
35 there is a question as to a licensing requirement. The board
36 retains final authority to interpret any licensing requirement. If a
37 question arises in the area of interpreting any licensing
38 requirement, it shall be presented by the committee to the board
39 for resolution.

1 (3) The committee shall have the following duties and
2 authority regarding examinations:

3 (A) Shall advise the board as to the type of license
4 examination it deems appropriate for the various dental auxiliary
5 license categories.

6 (B) Shall, at the direction of the board, develop or cause to be
7 developed, administer, or both, examinations in accordance with
8 the board's instructions and periodically report to the board on
9 the progress of those examinations. The following shall apply to
10 the examination procedure:

11 (i) The examination shall be submitted to the board for its
12 approval prior to its initial administration.

13 (ii) Once an examination has been approved by the board, no
14 further approval is required unless a major modification is made
15 to the examination.

16 (iii) The committee shall report to the board on the results of
17 each examination and shall, where appropriate, recommend pass
18 points.

19 (iv) The board shall set pass points for all dental auxiliary
20 licensing examinations.

21 (C) May appoint board members to any examination
22 committee established pursuant to subparagraph (B).

23 (4) The committee shall periodically report and make
24 recommendations to the board concerning the level of fees for
25 dental auxiliaries and the need for any legislative fee increase.
26 However, the board retains final authority to set all fees.

27 (5) The committee shall be responsible for all aspects of the
28 license renewal process, which shall be accomplished in
29 accordance with this chapter and board regulations. The
30 committee may delegate any or all of its functions under this
31 paragraph to its staff.

32 (6) The committee shall have no authority with respect to the
33 approval of continuing education providers and the board retains
34 all of this authority.

35 (7) The committee shall advise the board as to appropriate
36 standards of conduct for auxiliaries, the proper ordering of
37 enforcement priorities, and any other enforcement-related matters
38 that the board may, in the future, delegate to the committee. The
39 board shall retain all authority with respect to the enforcement

1 actions, including, but not limited to, complaint resolution,
2 investigation, and disciplinary action against auxiliaries.

3 (8) The committee shall have the following duties regarding
4 regulations:

5 (A) To review and evaluate all suggestions or requests for
6 regulatory changes related to dental auxiliaries.

7 (B) To report and make recommendations to the board, after
8 consultation with departmental legal counsel and the board's
9 executive officer.

10 (C) To include in any report regarding a proposed regulatory
11 change, at a minimum, the specific language of the proposed
12 changes and the reasons for and facts supporting the need for the
13 change. The board has the final rulemaking authority.

14 (c) This section shall become inoperative on July 1, 2009, and,
15 as of January 1, 2010, is repealed, unless a later enacted statute
16 which becomes effective on or before January 1, 2010, deletes or
17 extends the dates on which it becomes inoperative and is
18 repealed. The repeal of this section renders the committee subject
19 to the review required by Division 1.2 (commencing with Section
20 473).

21 ~~SEC. 4.~~

22 *SEC. 5.* Section 2460 of the Business and Professions Code is
23 amended to read:

24 2460. There is created within the jurisdiction of the Medical
25 Board of California and its divisions the California Board of
26 Podiatric Medicine. This section shall become inoperative on
27 July 1, 2010, and, as of January 1, 2011, is repealed, unless a
28 later enacted statute, which becomes effective on or before
29 January 1, 2011, deletes or extends the dates on which it becomes
30 inoperative and is repealed. The repeal of this section renders the
31 California Board of Podiatric Medicine subject to the review
32 required by Division 1.2 (commencing with Section 473).

33 ~~SEC. 5.~~

34 *SEC. 6.* Section 2570.4 of the Business and Professions Code
35 is amended to read:

36 2570.4. Nothing in this chapter shall be construed as
37 preventing or restricting the practice, services, or activities of any
38 of the following persons:

39 (a) Any person licensed, certified, or otherwise recognized in
40 this state by any other law or regulation when that person is

1 engaged in the profession or occupation for which he or she is
2 licensed, certified, or otherwise recognized.

3 (b) Any person pursuing a supervised course of study leading
4 to a degree or certificate in occupational therapy at an accredited
5 educational program, if the person is designated by a title that
6 clearly indicates his or her status as a student or trainee.

7 (c) Any person fulfilling the supervised fieldwork experience
8 requirements of subdivision (c) of Section 2570.6, if the
9 experience constitutes a part of the experience necessary to meet
10 the requirement of that provision.

11 (d) Any person performing occupational therapy services in
12 the state if all of the following apply:

13 (1) An application for licensure as an occupational therapist or
14 certification as an occupational therapy assistant has been filed
15 with the board pursuant to Section 2570.6 *and an application for*
16 *a license or certificate in this state has not been previously*
17 *denied.*

18 (2) ~~The person is licensed~~ *possesses a current, active, and*
19 *nonrestricted license* to practice occupational therapy under the
20 laws of another state that the board determines has licensure
21 requirements at least as stringent as the requirements of this
22 chapter.

23 (3) Occupational therapy services are performed in association
24 with an occupational therapist licensed under this chapter, and
25 for no more than 60 days from the date on which the application
26 for licensure or certification was filed with the board.

27 (e) Any person employed as an aide subject to the supervision
28 requirements of this section.

29 ~~SEC. 6.~~

30 *SEC. 7.* Section 2570.19 of the Business and Professions
31 Code is amended to read:

32 2570.19. (a) There is hereby created a California Board of
33 Occupational Therapy, hereafter referred to as the board. The
34 board shall enforce and administer this chapter.

35 (b) The members of the board shall consist of the following:

36 (1) Three occupational therapists who shall have practiced
37 occupational therapy for five years.

38 (2) One occupational therapy assistant who shall have assisted
39 in the practice of occupational therapy for five years.

1 (3) Three public members who shall not be licentiates of the
2 board or of any board referred to in Section 1000 or 3600.

3 (c) The Governor shall appoint the three occupational
4 therapists and one occupational therapy assistant to be members
5 of the board. The Governor, the Senate Rules Committee, and the
6 Speaker of the Assembly shall each appoint a public member.
7 Not more than one member of the board shall be appointed from
8 the full-time faculty of any university, college, or other
9 educational institution.

10 (d) All members shall be residents of California at the time of
11 their appointment. The occupational therapist and occupational
12 therapy assistant members shall have been engaged in rendering
13 occupational therapy services to the public, teaching, or research
14 in occupational therapy for at least five years preceding their
15 appointments.

16 (e) The public members may not be or have ever been
17 occupational therapists or occupational therapy assistants or in
18 training to become occupational therapists or occupational
19 therapy assistants. The public members may not be related to, or
20 have a household member who is, an occupational therapist or an
21 occupational therapy assistant, and may not have had, within two
22 years of the appointment, a substantial financial interest in a
23 person regulated by the board.

24 (f) The Governor shall appoint two board members for a term
25 of one year, two board members for a term of two years, and one
26 board member for a term of three years. Appointments made
27 thereafter shall be for four-year terms, but no person shall be
28 appointed to serve more than two consecutive terms. Terms shall
29 begin on the first day of the calendar year and end on the last day
30 of the calendar year or until successors are appointed, except for
31 the first appointed members who shall serve through the last
32 calendar day of the year in which they are appointed, before
33 commencing the terms prescribed by this section. Vacancies shall
34 be filled by appointment for the unexpired term. The board shall
35 annually elect one of its members as president.

36 (g) The board shall meet and hold at least one regular meeting
37 annually in the Cities of Sacramento, Los Angeles, and San
38 Francisco. The board may convene from time to time until its
39 business is concluded. Special meetings of the board may be held
40 at any time and place designated by the board.

1 (h) Notice of each meeting of the board shall be given in
2 accordance with the Bagley-Keene Open Meeting Act (Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 (i) Members of the board shall receive no compensation for
6 their services, but shall be entitled to reasonable travel and other
7 expenses incurred in the execution of their powers and duties in
8 accordance with Section 103.

9 (j) The appointing power shall have the power to remove any
10 member of the board from office for neglect of any duty imposed
11 by state law, for incompetency, or for unprofessional or
12 dishonorable conduct.

13 (k) A loan is hereby authorized from the General Fund to the
14 Occupational Therapy Fund on or after July 1, 2000, in an
15 amount of up to one million dollars (\$1,000,000) to fund
16 operating, personnel, and other startup costs of the board. Six
17 hundred ten thousand dollars (\$610,000) of this loan amount is
18 hereby appropriated to the board to use in the 2000–01 fiscal year
19 for the purposes described in this subdivision. In subsequent
20 years, funds from the Occupational Therapy Fund shall be
21 available to the board upon appropriation by the Legislature in
22 the annual Budget Act. The loan shall be repaid to the General
23 Fund over a period of up to five years, and the amount paid shall
24 also include interest at the rate accruing to moneys in the Pooled
25 Money Investment Account. The loan amount and repayment
26 period shall be minimized to the extent possible based upon
27 actual board financing requirements as determined by the
28 Department of Finance.

29 (l) This section shall become inoperative on July 1, 2013, and,
30 as of January 1, 2014, is repealed, unless a later enacted statute
31 that is enacted before January 1, 2014, deletes or extends the
32 dates on which it becomes inoperative and is repealed. The repeal
33 of this section renders the board subject to the review required by
34 Division 1.2 (commencing with Section 473).

35 ~~SEC. 7.~~

36 *SEC. 8.* Section 2602 of the Business and Professions Code is
37 amended to read:

38 2602. The Physical Therapy Board of California, hereafter
39 referred to as the board, shall enforce and administer this chapter.
40 This section shall become inoperative on July 1, 2013, and, as of

1 January 1, 2014, is repealed, unless a later enacted statute, which
2 becomes effective on or before January 1, 2014, deletes or
3 extends the dates on which it becomes inoperative and is
4 repealed.

5 The repeal of this section renders the board subject to the
6 review required by Division 1.2 (commencing with Section 473).

7 ~~SEC. 8.~~

8 *SEC. 9.* Section 2660.5 is added to the Business and
9 Professions Code, to read:

10 2660.5. The board shall deny a physical therapist license or
11 physical therapist assistant approval to an applicant who is
12 required to register pursuant to Section 290 of the Penal Code.
13 This section does not apply to an applicant who is required to
14 register as a sex offender pursuant to Section 290 of the Penal
15 Code solely because of a misdemeanor conviction under Section
16 314 of the Penal Code.

17 ~~SEC. 9.~~

18 *SEC. 10.* Section 2668 of the Business and Professions Code
19 is amended to read:

20 2668. (a) A fee to cover the actual cost of administering the
21 program shall be charged for participation in the program. If the
22 board contracts with any other entity to carry out this article, at
23 the discretion of the board, the fee may be collected and retained
24 by that entity.

25 (b) If the board contracts with any other entity to carry out this
26 section, the executive officer of the board, or his or her designee,
27 shall review the activities and performance of the contractor on a
28 biennial basis. As part of this review, the board shall review files
29 of participants in the program. However, the names of
30 participants who entered the program voluntarily shall remain
31 confidential, except when the review reveals misdiagnosis, case
32 mismanagement, or noncompliance by the participant.

33 (c) Subdivision (a) shall apply to all new participants entering
34 into the board's diversion program on or after January 1, 2007.
35 Subdivision (a) shall apply on and after January 1, 2008, to
36 participants currently enrolled as of December 31, 2007.

37 ~~SEC. 10.~~

38 *SEC. 11.* Section 2701 of the Business and Professions Code
39 is amended to read:

1 2701. There is in the Department of Consumer Affairs the
2 Board of Registered Nursing consisting of nine members.

3 Within the meaning of this chapter, board, or the board, refers
4 to the Board of Registered Nursing. Any reference in state law to
5 the Board of Nurse Examiners of the State of California or
6 California Board of Nursing Education and Nurse Registration
7 shall be construed to refer to the Board of Registered Nursing.

8 This section shall become inoperative on July 1, 2010, and, as
9 of January 1, 2011, is repealed, unless a later enacted statute, that
10 becomes operative on or before January 1, 2011, deletes or
11 extends the dates on which it becomes inoperative and is
12 repealed. The repeal of this section renders the board subject to
13 the review required by Division 1.2 (commencing with Section
14 473).

15 ~~SEC. 11.~~

16 *SEC. 12.* Section 2708 of the Business and Professions Code
17 is amended to read:

18 2708. The board shall appoint an executive officer who shall
19 perform the duties delegated by the board and who shall be
20 responsible to it for the accomplishment of those duties.

21 The executive officer shall be a nurse currently licensed under
22 this chapter and shall possess other qualifications as determined
23 by the board.

24 The executive officer shall not be a member of the board.

25 This section shall become inoperative on July 1, 2010, and, as
26 of January 1, 2011, is repealed, unless a later enacted statute,
27 which becomes effective on or before January 1, 2011, deletes or
28 extends the dates on which it becomes inoperative and is
29 repealed.

30 ~~SEC. 12.~~

31 *SEC. 13.* Section 2920 of the Business and Professions Code
32 is amended to read:

33 2920. The Board of Psychology shall enforce and administer
34 this chapter. The board shall consist of nine members, four of
35 whom shall be public members.

36 This section shall become inoperative on July 1, 2009, and, as
37 of January 1, 2010, is repealed, unless a later enacted statute,
38 which becomes effective on or before January 1, 2010, deletes or
39 extends the dates on which it becomes inoperative and is
40 repealed.

1 ~~SEC. 13.~~

2 *SEC. 14.* Section 2933 of the Business and Professions Code
3 is amended to read:

4 2933. Except as provided by Section 159.5, the board shall
5 employ and shall make available to the board within the limits of
6 the funds received by the board all personnel necessary to carry
7 out this chapter. The board may employ, exempt from the State
8 Civil Service Act, an executive officer to the Board of
9 Psychology. The board shall make all expenditures to carry out
10 this chapter. The board may accept contributions to effectuate the
11 purposes of this chapter.

12 This section shall become inoperative on July 1, 2009, and, as
13 of January 1, 2010, is repealed, unless a later enacted statute,
14 which becomes effective on or before January 1, 2010, deletes or
15 extends the dates on which it becomes inoperative and is
16 repealed.

17 ~~SEC. 14.~~

18 *SEC. 15.* Section 3010.5 of the Business and Professions
19 Code is amended to read:

20 3010.5. (a) There is in the Department of Consumer Affairs
21 a State Board of Optometry in which the enforcement of this
22 chapter is vested. The board consists of 11 members, five of
23 whom shall be public members.

24 Six members of the board shall constitute a quorum.

25 (b) The board shall, with respect to conducting investigations,
26 inquiries, and disciplinary actions and proceedings, have the
27 authority previously vested in the board as created pursuant to
28 Section 3010. The board may enforce any disciplinary actions
29 undertaken by that board.

30 (c) This section shall remain in effect only until July 1, 2010,
31 and, as of January 1, 2011, is repealed, unless a later enacted
32 statute, that is enacted before January 1, 2011, deletes or extends
33 that date.

34 ~~SEC. 15.~~

35 *SEC. 16.* Section 3014.6 of the Business and Professions
36 Code is amended to read:

37 3014.6. (a) The board may appoint a person exempt from
38 civil service who shall be designated as an executive officer and
39 who shall exercise the powers and perform the duties delegated
40 by the board and vested in him or her by this chapter.

1 (b) This section shall become inoperative on July 1, 2010, and,
2 as of January 1, 2011, is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2011, deletes or extends the
4 dates on which it becomes inoperative and is repealed.

5 ~~SEC. 16.~~

6 *SEC. 17.* Section 3504 of the Business and Professions Code
7 is amended to read:

8 3504. There is established a Physician Assistant Committee
9 of the Medical Board of California. The committee consists of
10 nine members. This section shall become inoperative on July 1,
11 2011, and, as of January 1, 2012, is repealed, unless a later
12 enacted statute, which becomes effective on or before January 1,
13 2012, deletes or extends the dates on which it becomes
14 inoperative and is repealed. The repeal of this section renders the
15 committee subject to the review required by Division 1.2
16 (commencing with Section 473).

17 ~~SEC. 17.~~

18 *SEC. 18.* Section 3512 of the Business and Professions Code
19 is amended to read:

20 3512. (a) Except as provided in Sections 159.5 and 2020, the
21 committee shall employ within the limits of the Physician
22 Assistant Fund all personnel necessary to carry out the provisions
23 of this chapter including an executive officer who shall be
24 exempt from civil service. The board and committee shall make
25 all necessary expenditures to carry out the provisions of this
26 chapter from the funds established by Section 3520. The
27 committee may accept contributions to effect the purposes of this
28 chapter.

29 (b) This section shall become inoperative on July 1, 2011, and,
30 as of January 1, 2012, is repealed, unless a later enacted statute,
31 that becomes operative on or before January 1, 2012, deletes or
32 extends the dates on which it becomes inoperative and is
33 repealed.

34 ~~SEC. 18.~~

35 *SEC. 19.* Section 3516.1 of the Business and Professions
36 Code is amended to read:

37 3516.1. (a) (1) Notwithstanding any other provision of law,
38 a physician who provides services in a medically underserved
39 area may supervise not more than four physician assistants at any
40 one time.

(2) As used in this section, “medically underserved area” means a “health professional(s) shortage area” (HPSA) as defined in Part 5 (commencing with Section 5.1) of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the California Healthcare Workforce Policy Commission pursuant to Section 128225 of the Health and Safety Code.

(b) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 19.~~

SEC. 20. Section 3685 of the Business and Professions Code is amended to read:

3685. (a) The provisions of Article 8 (commencing with Section 3680) shall become operative on January 1, 2004, but the remaining provisions of this chapter shall become operative on July 1, 2004. It is the intent of the Legislature that the initial implementation of this chapter be administered by fees collected in advance from applicants. Therefore, the bureau shall have the power and authority to establish fees and receive applications for licensure or intents to file application statements on and after January 1, 2004. The department shall certify that sufficient funds are available prior to implementing this chapter. Funds from the General Fund may not be used for the purpose of implementing this chapter.

(b) This chapter shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this chapter renders the bureau subject to the review required by Division 1.2 (commencing with Section 473).

(c) The bureau shall prepare the report required by Section 473.2 no later than September 1, 2008.

~~SEC. 20.~~

SEC. 21. Section 3710 of the Business and Professions Code is amended to read:

3710. The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

1 This section shall become inoperative on July 1, 2010, and, as
2 of January 1, 2011, is repealed, unless a later enacted statute, that
3 becomes operative on or before January 1, 2011, deletes or
4 extends the dates on which it becomes inoperative and is
5 repealed.

6 The repeal of this section renders the board subject to the
7 review required by Division 1.2 (commencing with Section 473).

8 ~~SEC. 21.~~

9 *SEC. 22.* Section 3716 of the Business and Professions Code
10 is amended to read:

11 3716. The board may employ an executive officer exempt
12 from civil service and, subject to the provisions of law relating to
13 civil service, clerical assistants and, except as provided in Section
14 159.5, other employees as it may deem necessary to carry out its
15 powers and duties.

16 This section shall become inoperative on July 1, 2010, and, as
17 of January 1, 2011, is repealed, unless a later enacted statute, that
18 becomes operative on or before January 1, 2011, deletes or
19 extends the dates on which it becomes inoperative and is
20 repealed.

21 ~~SEC. 22.~~

22 *SEC. 23.* Section 3765 of the Business and Professions Code
23 is amended to read:

24 3765. This act does not prohibit any of the following
25 activities:

26 (a) The performance of respiratory care that is an integral part
27 of the program of study by students enrolled in approved
28 respiratory therapy training programs.

29 (b) Self-care by the patient or the gratuitous care by a friend or
30 member of the family who does not represent or hold himself or
31 herself out to be a respiratory care practitioner licensed under the
32 provisions of this chapter.

33 (c) The respiratory care practitioner from performing advances
34 in the art and techniques of respiratory care learned through
35 formal or specialized training.

36 (d) The performance of respiratory care in an emergency
37 situation by paramedical personnel who have been formally
38 trained in these modalities and are duly licensed under the
39 provisions of an act pertaining to their speciality.

1 (e) Respiratory care services in case of an emergency.
2 “Emergency,” as used in this subdivision, includes an epidemic
3 or public disaster.

4 (f) Persons from engaging in cardiopulmonary research.

5 (g) Formally trained licensees and staff of child day care
6 facilities from administering to a child inhaled medication as
7 defined in Section 1596.798 of the Health and Safety Code.

8 (h) The performance by a person employed by a home medical
9 device retail facility or by a home health agency licensed by the
10 State Department of Health Services of specific, limited, and
11 basic respiratory care or respiratory care related services that
12 have been authorized by the board.

13 ~~SEC. 23.~~

14 *SEC. 24.* Section 4001 of the Business and Professions Code
15 is amended to read:

16 4001. (a) There is in the Department of Consumer Affairs a
17 California State Board of Pharmacy in which the administration
18 and enforcement of this chapter is vested. The board consists of
19 13 members.

20 (b) The Governor shall appoint seven competent pharmacists
21 who reside in different parts of the state to serve as members of
22 the board. The Governor shall appoint four public members, and
23 the Senate Committee on Rules and the Speaker of the Assembly
24 shall each appoint a public member who shall not be a licensee of
25 the board, any other board under this division, or any board
26 referred to in Section 1000 or 3600.

27 (c) At least five of the seven pharmacist appointees to the
28 board shall be pharmacists who are actively engaged in the
29 practice of pharmacy. Additionally, the membership of the board
30 shall include at least one pharmacist representative from each of
31 the following practice settings: an acute care hospital, an
32 independent community pharmacy, a chain community
33 pharmacy, and a long-term health care or skilled nursing facility.
34 The pharmacist appointees shall also include a pharmacist who is
35 a member of a labor union that represents pharmacists. For the
36 purposes of this subdivision, a “chain community pharmacy”
37 means a chain of 75 or more stores in California under the same
38 ownership, and an “independent community pharmacy” means a
39 pharmacy owned by a person or entity who owns no more than
40 four pharmacies in California.

(d) Members of the board shall be appointed for a term of four years. No person shall serve as a member of the board for more than two consecutive terms. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. Vacancies occurring shall be filled by appointment for the unexpired term.

(e) Each member of the board shall receive a per diem and expenses as provided in Section 103.

(f) In accordance with Sections 101.1 and 473.1, this section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 24.~~

SEC. 25. Section 4003 of the Business and Professions Code is amended to read:

4003. (a) The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. The executive officer may or may not be a member of the board as the board may determine.

(b) The executive officer shall receive the compensation as established by the board with the approval of the Director of Finance. The executive officer shall also be entitled to travel and other expenses necessary in the performance of his or her duties.

(c) The executive officer shall maintain and update in a timely fashion records containing the names, titles, qualifications, and places of business of all persons subject to this chapter.

(d) The executive officer shall give receipts for all money received by him or her and pay it to the Department of Consumer Affairs, taking its receipt therefor. Besides the duties required by this chapter, the executive officer shall perform other duties pertaining to the office as may be required of him or her by the board.

(e) In accordance with Sections 101.1 and 473.1, this section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 25.~~

SEC. 26. Section 4034 of the Business and Professions Code is amended to read:

4034. (a) "Pedigree" means a record, in electronic form, containing information regarding each transaction resulting in a change of ownership of a given dangerous drug, from sale by a manufacturer, through acquisition and sale by ~~a wholesaler~~ *one or more wholesalers, manufacturers, or pharmacies*, until final sale to a pharmacy or other person furnishing, administering, or dispensing the dangerous drug. *The pedigree shall be created and maintained in an interoperable electronic system, ensuring compatibility throughout all stages of distribution.*

(b) A pedigree shall include all of the following information:

(1) The source of the dangerous drug, including the name, *the federal manufacturer's registration number or a state license number, including California license number if available as determined by the board*, and principal address of the source.

(2) *The trade or generic name of the drug*, the quantity of the dangerous drug, its dosage form and strength, the date of the transaction, the sales invoice number, the container size, the number of containers, the expiration dates, and the lot numbers.

(3) The business name, address, and ~~if appropriate, the~~ *the federal manufacturer's registration number or a state license number, including a California license number if available as determined by the board*, of each owner of the dangerous drug, and the dangerous drug shipping information, including the name and address of each person certifying delivery or receipt of the dangerous drug.

(4) A certification under penalty of perjury from a responsible party of the source of the dangerous drug that the information contained in the pedigree is true and accurate.

(c) *A single pedigree shall include every change of ownership of a given dangerous drug from its initial manufacture through to its final transaction to a pharmacy or other person for furnishing, administering, or dispensing the drug, regardless of*

1 *repackaging or assignment of another National Drug Code*
2 *(NDC) Directory number.*

3 *(d) A pedigree shall track each dangerous drug at the smallest*
4 *package or immediate container distributed by the manufacturer,*
5 *received and distributed by the wholesaler, and received by the*
6 *pharmacy or another person furnishing, administering, or*
7 *dispensing the dangerous drug.*

8 *(e) Any return of a dangerous drug to a wholesaler or*
9 *manufacturer shall be documented on the same pedigree as the*
10 *transaction that resulted in the receipt of the drug by the party*
11 *returning it.*

12 ~~(e)~~

13 *(f) If a licensed health care service plan, hospital organization,*
14 *and one or more physician organizations have exclusive*
15 *contractual relationships to provide health care services, drugs*
16 *distributed between these persons shall be deemed not to have*
17 *changed ownership.*

18 *(g) The following transactions are not required to be recorded*
19 *on a pedigree:*

20 *(1) The provision of samples of dangerous drugs by a*
21 *manufacturer's employee to an authorized prescriber, provided*
22 *the samples are dispensed to a patient of the prescriber without*
23 *charge.*

24 *(2) An injectable dangerous drug that is delivered by the*
25 *manufacturer directly to an authorized prescriber or other entity*
26 *directly responsible for administration of the injectable*
27 *dangerous drug, only for an injectable dangerous drug that by*
28 *law may only be administered under the professional supervision*
29 *of the prescriber or other entity directly responsible for*
30 *administration of the drug. Injectable dangerous drugs exempted*
31 *from the pedigree requirement by this paragraph may not be*
32 *dispensed to a patient or a patient's agent for*
33 *self-administration, and shall only be administered to the patient,*
34 *as defined in Section 4016, by the prescriber or other authorized*
35 *entity that received the drug directly from the manufacturer.*

36 *(3) The exemption in paragraph (2) shall expire and be*
37 *inoperative on January 1, 2010, unless prior to that date the*
38 *board receives, at a public hearing, evidence that entities*
39 *involved in the distribution of the injectable dangerous drugs*
40 *subject to that paragraph are not able to provide a pedigree in*

1 compliance with all of the provisions of California law, and the
2 board votes to extend the expiration date for the exemption until
3 January 1, 2011. The decision as to whether to extend the
4 expiration date shall be within the sole discretion of the board,
5 and shall not be subject to the requirements of Chapter 3.5
6 (commencing with Section 11340) of Part 1 of Division 3 of the
7 Government Code.

8 (h) If a manufacturer, wholesaler, or pharmacy has
9 reasonable cause to believe that a dangerous drug in, or having
10 been in, its possession is counterfeit or the subject of a fraudulent
11 transaction, the manufacturer, wholesaler, or pharmacy shall
12 notify the board within 72 hours of obtaining that knowledge.
13 This subdivision shall apply to any dangerous drug that has been
14 sold or distributed in or through this state.

15 (i) "Interoperable electronic system" as used in this chapter
16 means an electronic track and trace system for dangerous drugs
17 that uses a unique identification number, established at the point
18 of manufacture, contained within a standardized nonproprietary
19 data format and architecture, that is uniformly used by
20 manufacturers, wholesalers, and pharmacies for the pedigree of
21 a dangerous drug.

22 (d)
23 (j) The application of the pedigree requirement in pharmacies
24 shall be subject to review during the board's sunset review to be
25 conducted as described in subdivision (f) of Section 4001.

26 (e)
27 (k) This section shall become operative on January 1, 2008
28 2009. However, the board may extend the date for compliance
29 with this section and Section 4163 until January 1, 2011, in
30 accordance with Section 4163.5.

31 ~~SEC. 26.—Section 4163 of the Business and Professions Code,~~
32 ~~as amended by Section 31 of Chapter 857 of the Statutes of 2004,~~
33 ~~is amended to read:~~

34 ~~4163. (a) No manufacturer or wholesaler shall furnish any~~
35 ~~dangerous drugs or dangerous devices to any unauthorized~~
36 ~~persons.~~

37 ~~(b) No person shall acquire dangerous drugs or dangerous~~
38 ~~devices from a person not authorized by law to possess or furnish~~
39 ~~those dangerous drugs or dangerous devices. When the person~~
40 ~~acquiring the dangerous drugs or dangerous devices is a~~

1 wholesaler, the obligation of the wholesaler shall be limited to
2 obtaining confirmation of licensure of those sources from whom
3 it has not previously acquired dangerous drugs or dangerous
4 devices:

5 (e) This section shall remain in effect only until January 1,
6 2008, and as of that date is repealed, unless a later enacted
7 statute, that is enacted before January 1, 2008, deletes or extends
8 that date:

9 SEC. 27. Section 4163 of the Business and Professions Code,
10 as added by Section 32 of Chapter 857 of the Statutes of 2004, is
11 amended to read:

12 4163. (a) A manufacturer or wholesaler may not furnish a
13 dangerous drug or dangerous device to an unauthorized person.

14 (b) Dangerous drugs or dangerous devices shall be acquired
15 from a person authorized by law to possess or furnish dangerous
16 drugs or dangerous devices. When the person acquiring the
17 dangerous drugs or dangerous devices is a wholesaler, the
18 obligation of the wholesaler shall be limited to obtaining
19 confirmation of licensure of those sources from whom it has not
20 previously acquired dangerous drugs or dangerous devices:

21 (c) A wholesaler or pharmacy may not sell, trade, or transfer a
22 dangerous drug at wholesale without providing a pedigree.

23 (d) A wholesaler or pharmacy may not acquire a dangerous
24 drug without receiving a pedigree.

25 (e) This section shall become operative on January 1, 2008.

26 SEC. 28. Section 4163.5 of the Business and Professions
27 Code is repealed.

28 SEC. 27. Section 4162 of the Business and Professions Code
29 is amended to read:

30 4162. (a) (1) An applicant for the issuance or renewal of a
31 wholesaler license shall submit a surety bond of one hundred
32 thousand dollars (\$100,000) or other equivalent means of
33 security acceptable to the board payable to the Pharmacy Board
34 Contingent Fund. The purpose of the surety bond is to secure
35 payment of any administrative fine imposed by the board and any
36 cost recovery ordered pursuant to Section 125.3.

37 (2) For purposes of paragraph (1), the board may accept a
38 surety bond less than one hundred thousand dollars (\$100,000) if
39 the annual gross receipts of the previous tax year for the
40 wholesaler is ten million dollars (\$10,000,000) or less, in which

1 case the surety bond shall be twenty-five thousand dollars
2 (\$25,000).

3 (3) A person to whom an approved new drug application has
4 been issued by the United States Food and Drug Administration
5 who engages in the wholesale distribution of only the dangerous
6 drug specified in the new drug application, and is licensed or
7 applies for licensure as a wholesaler, shall not be required to post
8 a surety bond as provided in paragraph (1).

9 (4) For licensees subject to paragraph (2) or (3), the board may
10 require a bond up to one hundred thousand dollars (\$100,000) for
11 any licensee who has been disciplined by any state or federal
12 agency or has been issued an administrative fine pursuant to this
13 chapter.

14 (b) The board may make a claim against the bond if the
15 licensee fails to pay a fine within 30 days after the order
16 imposing the fine, or costs become final.

17 (c) A single surety bond or other equivalent means of security
18 acceptable to the board shall satisfy the requirement of
19 subdivision (a) for all licensed sites under common control as
20 defined in Section 4126.5.

21 (d) This section shall become operative on January 1, 2006,
22 and shall remain in effect only until January 1, ~~2011~~ 2015, and as
23 of that date is repealed, unless a later enacted statute, that is
24 enacted before January 1, ~~2011~~ 2015, deletes or extends those
25 dates.

26 *SEC. 28. Section 4162.5 of the Business and Professions*
27 *Code is amended to read:*

28 4162.5. (a) (1) An applicant for the issuance or renewal of a
29 nonresident wholesaler license shall submit a surety bond of one
30 hundred thousand dollars (\$100,000), or other equivalent means
31 of security acceptable to the board, such as an irrevocable letter
32 of credit, or a deposit in a trust account or financial institution,
33 payable to the Pharmacy Board Contingent Fund. The purpose of
34 the surety bond is to secure payment of any administrative fine
35 imposed by the board and any cost recovery ordered pursuant to
36 Section 125.3.

37 (2) For purpose of paragraph (1), the board may accept a
38 surety bond less than one hundred thousand dollars (\$100,000) if
39 the annual gross receipts of the previous tax year for the
40 nonresident wholesaler is ten million dollars (\$10,000,000) or

1 less in which the surety bond shall be twenty-five thousand
2 dollars (\$25,000).

3 (3) For applicants who satisfy paragraph (2), the board may
4 require a bond up to one hundred thousand dollars (\$100,000) for
5 any nonresident wholesaler who has been disciplined by any state
6 or federal agency or has been issued an administrative fine
7 pursuant to this chapter.

8 (4) A person to whom an approved new drug application has
9 been issued by the United States Food and Drug Administration
10 who engages in the wholesale distribution of only the dangerous
11 drug specified in the new drug application, and is licensed or
12 applies for licensure as a nonresident wholesaler, shall not be
13 required to post a surety bond as provided in this section.

14 (b) The board may make a claim against the bond if the
15 licensee fails to pay a fine within 30 days of the issuance of the
16 fine or when the costs become final.

17 (c) A single surety bond or other equivalent means of security
18 acceptable to the board shall satisfy the requirement of
19 subdivision (a) for all licensed sites under common control as
20 defined in Section 4126.5.

21 (d) This section shall become operative on January 1, 2006,
22 and shall become inoperative and is repealed on, January 1, ~~2011~~
23 ~~2015~~, unless a later enacted statute, that is enacted before January
24 1, ~~2011~~ 2015, deletes or extends those dates.

25 *SEC. 29. Section 4163 of the Business and Professions Code,*
26 *as amended by Section 31 of Chapter 857 of the Statutes of 2004,*
27 *is repealed.*

28 ~~4163. (a) No manufacturer or wholesaler shall furnish any~~
29 ~~dangerous drugs or dangerous devices to any unauthorized~~
30 ~~persons.~~

31 ~~(b) No person shall acquire dangerous drugs or dangerous~~
32 ~~devices from a person not authorized by law to possess or furnish~~
33 ~~those dangerous drugs or dangerous devices. When the person~~
34 ~~acquiring the dangerous drugs or dangerous devices is a~~
35 ~~wholesaler, the obligation of the wholesaler shall be limited to~~
36 ~~obtaining confirmation of licensure of those sources from whom~~
37 ~~it has not previously acquired dangerous drugs or dangerous~~
38 ~~devices.~~

39 ~~(c) This section shall remain in effect only until January 1,~~
40 ~~2007, and as of that date is repealed, unless a later enacted~~

1 statute, that is enacted before January 1, 2007, deletes or extends
2 that date.

3 SEC. 30. Section 4163 of the Business and Professions Code,
4 as added by Section 32 of Chapter 857 of the Statutes of 2004, is
5 amended to read:

6 4163. (a) A manufacturer or wholesaler may not furnish a
7 dangerous drug or dangerous device to an unauthorized person.

8 (b) Dangerous drugs or dangerous devices shall be acquired
9 from a person authorized by law to possess or furnish dangerous
10 drugs or dangerous devices. When the person acquiring the
11 dangerous drugs or dangerous devices is a wholesaler, the
12 obligation of the wholesaler shall be limited to obtaining
13 confirmation of licensure of those sources from whom it has not
14 previously acquired dangerous drugs or dangerous devices.

15 (c) ~~A—Except as otherwise provided in Section 4163.5,~~
16 ~~commencing on January 1, 2009, a wholesaler or pharmacy may~~
17 ~~not sell, trade, or transfer a dangerous drug at wholesale without~~
18 ~~providing a pedigree.~~

19 (d) ~~A—Except as otherwise provided in Section 4163.5,~~
20 ~~commencing on January 1, 2009, a wholesaler or pharmacy may~~
21 ~~not acquire a dangerous drug without receiving a pedigree.~~

22 (e) ~~This section shall become operative on January 1, 2007.~~

23 SEC. 31. Section 4163.1 is added to the Business and
24 Professions Code, to read:

25 4163.1. It is the intent of the Legislature that commencing on
26 January 1, 2007, and continuing through the full implementation
27 of the pedigree requirements specified by Section 4163,
28 manufacturers and wholesalers shall use best efforts to provide
29 in the most readily accessible form possible, information
30 regarding the manufacturer's specific relationships in the
31 distribution of dangerous drugs with wholesalers.

32 SEC. 32. Section 4163.5 of the Business and Professions
33 Code is amended to read:

34 4163.5. The board may extend the date for compliance with
35 the requirement for a pedigree set forth in ~~Section~~ Sections 4034
36 and 4163 until January 1, ~~2008~~ 2011, if it determines that
37 manufacturers or wholesalers require additional time to
38 implement electronic technologies to track the distribution of
39 dangerous drugs within the state. A determination by the board to
40 extend the deadline for providing pedigrees shall not be subject

1 to the requirements of Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government
3 Code.

4 *SEC. 33. Section 4163.6 of the Business and Professions*
5 *Code is repealed.*

6 ~~4163.6. If the Legislature determines that it is not yet~~
7 ~~economically and technically feasible for pharmacies to~~
8 ~~implement electronic technologies to track the distribution of~~
9 ~~dangerous drugs within the state, the Legislature may extend the~~
10 ~~date for compliance with the requirement for a pedigree for~~
11 ~~pharmacies set forth in Section 4163 until January 1, 2009.~~

12 ~~SEC. 29.~~

13 *SEC. 34. Section 4169 of the Business and Professions Code,*
14 *as added by Section 39 of Chapter 857 of the Statutes of 2004, is*
15 *amended to read:*

16 4169. (a) A person or entity may not do any of the following:

17 (1) Purchase, trade, sell, or transfer dangerous drugs or
18 dangerous devices at wholesale with a person or entity that is not
19 licensed with the board as a wholesaler or pharmacy, in violation
20 of Section 4163.

21 (2) Purchase, trade, sell, or transfer dangerous drugs that the
22 person knew or reasonably should have known were adulterated,
23 as set forth in Article 2 (commencing with Section 111250) of
24 Chapter 6 of Part 5 of Division 104 of the Health and Safety
25 Code.

26 (3) Purchase, trade, sell, or transfer dangerous drugs that the
27 person knew or reasonably should have known were misbranded,
28 as defined in Section 111335 of the Health and Safety Code.

29 (4) Purchase, trade, sell, or transfer dangerous drugs or
30 dangerous devices after the beyond use date on the label.

31 (5) Fail to maintain records of the acquisition or disposition of
32 dangerous drugs or dangerous devices for at least three years.

33 (b) Notwithstanding any other provision of law, a violation of
34 this section may subject the person or entity that has committed
35 the violation to a fine not to exceed the amount specified in
36 Section 125.9 for each occurrence, pursuant to a citation issued
37 by the board.

38 (c) Amounts due from any person under this section shall be
39 offset as provided under Section 12419.5 of the Government

1 Code. Amounts received by the board under this section shall be
2 deposited into the Pharmacy Board Contingent Fund.

3 (d) This section shall not apply to a pharmaceutical
4 manufacturer licensed by the Food and Drug Administration or
5 by the State Department of Health Services.

6 (e) This section shall remain in effect only until January 1,
7 2008, and as of that date is repealed, unless a later enacted
8 statute, that is enacted before January 1, 2008, deletes or extends
9 that date.

10 ~~SEC. 30.~~

11 *SEC. 35.* Section 4169 of the Business and Professions Code,
12 as added by Section 40 of Chapter 857 of the Statutes of 2004, is
13 amended to read:

14 4169. (a) A person or entity may not do any of the following:

15 (1) Purchase, trade, sell, or transfer dangerous drugs or
16 dangerous devices at wholesale with a person or entity that is not
17 licensed with the board as a wholesaler or pharmacy.

18 (2) Purchase, trade, sell, or transfer dangerous drugs that the
19 person knew or reasonably should have known were adulterated,
20 as set forth in Article 2 (commencing with Section 111250) of
21 Chapter 6 of Part 5 of Division 104 of the Health and Safety
22 Code.

23 (3) Purchase, trade, sell, or transfer dangerous drugs that the
24 person knew or reasonably should have known were misbranded,
25 as defined in Section 111335 of the Health and Safety Code.

26 (4) Purchase, trade, sell, or transfer dangerous drugs or
27 dangerous devices after the beyond use date on the label.

28 (5) Fail to maintain records of the acquisition or disposition of
29 dangerous drugs or dangerous devices for at least three years.

30 (b) Notwithstanding any other provision of law, a violation of
31 this section or of subdivision (c) or (d) of Section 4163 may
32 subject the person or entity that has committed the violation to a
33 fine not to exceed the amount specified in Section 125.9 for each
34 occurrence, pursuant to a citation issued by the board.

35 (c) Amounts due from any person under this section shall be
36 offset as provided under Section 12419.5 of the Government
37 Code. Amounts received by the board under this section shall be
38 deposited into the Pharmacy Board Contingent Fund.

1 (d) This section shall not apply to a pharmaceutical
2 manufacturer licensed by the Food and Drug Administration or
3 by the State Department of Health Services.

4 (e) This section shall become operative on January 1, 2008.

5 ~~SEC. 31.~~

6 *SEC. 36.* Section 4200.1 of the Business and Professions
7 Code is amended to read:

8 4200.1. (a) Notwithstanding Section 135, an applicant may
9 take the North American Pharmacist Licensure Examination four
10 times, and may take the Multi-State Pharmacy Jurisprudence
11 Examination for California four times.

12 (b) Notwithstanding Section 135, an applicant may take the
13 North American Pharmacist Licensure Examination and the
14 Multi-State Pharmacy Jurisprudence Examination for California
15 four additional times each if he or she successfully completes, at
16 minimum, 16 additional semester units of education in pharmacy
17 as approved by the board.

18 (c) The applicant shall comply with the requirements of
19 Section 4200 for each application for reexamination made
20 pursuant to subdivision (b).

21 (d) An applicant may use the same coursework to satisfy the
22 additional educational requirement for each examination under
23 subdivision (b), if the coursework was completed within 12
24 months of the date of his or her application for reexamination.

25 (e) For purposes of this section, the board shall treat each
26 failing score on the pharmacist licensure examination
27 administered by the board prior to January 1, 2004, as a failing
28 score on both the North American Pharmacist Licensure
29 Examination and the Multi-State Pharmacy Jurisprudence
30 Examination for California.

31 (f) From January 1, 2004, to July 1, 2008, inclusive, the board
32 shall collect data on the applicants who are admitted to, and take,
33 the licensure examinations required by Section 4200. The board
34 shall report to the Joint Committee on Boards, Commissions, and
35 Consumer Protection before September 1, 2008, regarding the
36 impact on those applicants of the examination limitations
37 imposed by this section. The report shall include, but not be
38 limited to, the following information:

39 (1) The number of applicants taking the examination and the
40 number who fail the examination for the fourth time.

(2) The number of applicants who, after failing the examination for the fourth time, complete a pharmacy studies program in California or another state to satisfy the requirements of this section and who apply to take the licensure examination required by Section 4200.

(3) To the extent possible, the school from which the applicant graduated and the school's location and the pass/fail rates on the examination for each school.

(g) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

~~SEC. 32.~~

SEC. 37. Section 4800 of the Business and Professions Code is amended to read:

4800. There is in the Department of Consumer Affairs a Veterinary Medical Board in which the administration of this chapter is vested. The board consists of seven members, three of whom shall be public members.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review provided for by Division 1.2 (commencing with Section 473).

~~SEC. 33.~~

SEC. 38. Section 4804.5 of the Business and Professions Code is amended to read:

4804.5. The board may appoint a person exempt from civil service who shall be designated as an executive officer and who shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter.

This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 34.~~

SEC. 39. Section 4928 of the Business and Professions Code is amended to read:

4928. The Acupuncture Board, which consists of seven members, shall enforce and administer this chapter. The appointing powers, as described in Section 4929, may appoint to the board a person who was a member of the prior board prior to the repeal of that board on January 1, 2006.

This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 35.~~

SEC. 40. Section 4934 of the Business and Professions Code is amended to read:

4934. (a) The board, by and with the approval of the director, may employ personnel necessary for the administration of this chapter, and the board, by and with the approval of the director, may appoint an executive officer who is exempt from the provisions of the Civil Service Act.

(b) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 36. Section 4990.1 of the Business and Professions Code is amended to read:~~

~~4990.1. There is in the Department of Consumer Affairs a Board of Behavioral Sciences which consists of 11 members.~~

~~This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2010, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 37.~~

SEC. 41. Section 5510 of the Business and Professions Code is amended to read:

1 5510. There is in the Department of Consumer Affairs a
2 California Architects Board which consists of 10 members.

3 Any reference in law to the California Board of Architectural
4 Examiners shall mean the California Architects Board.

5 This section shall become inoperative on July 1, 2011, and, as
6 of January 1, 2012, is repealed, unless a later enacted statute,
7 which becomes effective on or before January 1, 2012, deletes or
8 extends the dates on which it becomes inoperative and is
9 repealed. The repeal of this section renders the board subject to
10 the review required by Division 1.2 (commencing with Section
11 473).

12 ~~SEC. 38.~~

13 *SEC. 42.* Section 5517 of the Business and Professions Code
14 is amended to read:

15 5517. The board may appoint a person exempt from civil
16 service who shall be designated as an executive officer and who
17 shall exercise the powers and perform the duties delegated by the
18 board and vested in him or her by this chapter.

19 This section shall become inoperative on July 1, 2011, and, as
20 of January 1, 2012, is repealed, unless a later enacted statute,
21 which becomes effective on or before January 1, 2012, deletes or
22 extends the dates on which it becomes inoperative and is
23 repealed.

24 ~~SEC. 39.~~

25 *SEC. 43.* Section 5620 of the Business and Professions Code
26 is amended to read:

27 5620. The duties, powers, purposes, responsibilities, and
28 jurisdiction of the California State Board of Landscape
29 Architects that were succeeded to and vested with the
30 Department of Consumer Affairs in accordance with Chapter 908
31 of the Statutes of 1994 are hereby transferred to the California
32 Architects Board. The Legislature finds that the purpose for the
33 transfer of power is to promote and enhance the efficiency of
34 state government and that assumption of the powers and duties
35 by the California Architects Board shall not be viewed or
36 construed as a precedent for the establishment of state regulation
37 over a profession or vocation that was not previously regulated
38 by a board, as defined in Section 477.

1 (a) There is in the Department of Consumer Affairs a
2 California Architects Board as defined in Article 2 (commencing
3 with Section 5510) of Chapter 3.

4 Whenever in this chapter “board” is used it refers to the
5 California Architects Board.

6 (b) Except as provided herein, the board may delegate its
7 authority under this chapter to the Landscape Architects
8 Technical Committee.

9 (c) After review of proposed regulations, the board may direct
10 the examining committee to notice and conduct hearings to
11 adopt, amend, or repeal regulations pursuant to Section 5630,
12 provided that the board itself shall take final action to adopt,
13 amend, or repeal those regulations.

14 (d) The board shall not delegate its authority to discipline a
15 landscape architect or to take action against a person who has
16 violated this chapter.

17 (e) This section shall become inoperative on July 1, 2011, and,
18 as of January 1, 2012, is repealed, unless a later enacted statute,
19 that becomes operative on or before January 1, 2012, deletes or
20 extends the dates on which it becomes inoperative and is
21 repealed.

22 ~~SEC. 40.~~

23 *SEC. 44.* Section 5621 of the Business and Professions Code
24 is amended to read:

25 5621. (a) There is hereby created within the jurisdiction of
26 the board, a Landscape Architects Technical Committee,
27 hereinafter referred to in this chapter as the landscape architects
28 committee.

29 (b) The landscape architects committee shall consist of five
30 members who shall be licensed to practice landscape architecture
31 in this state. The Governor shall appoint three of the members.
32 The Senate Committee on Rules and the Speaker of the
33 Assembly shall appoint one member each.

34 (c) The initial members to be appointed by the Governor are as
35 follows: one member for a term of one year; one member for a
36 term of two years; and one member for a term of three years. The
37 Senate Committee on Rules and the Speaker of the Assembly
38 shall initially each appoint one member for a term of four years.
39 Thereafter, appointments shall be made for four-year terms,
40 expiring on June 1 of the fourth year and until the appointment

1 and qualification of his or her successor or until one year shall
2 have elapsed whichever first occurs. Vacancies shall be filled for
3 the unexpired term.

4 (d) No person shall serve as a member of the landscape
5 architects committee for more than two consecutive terms.

6 (e) This section shall become inoperative on July 1, 2011, and,
7 as of January 1, 2012, is repealed, unless a later enacted statute,
8 that becomes operative on or before January 1, 2012, deletes or
9 extends the dates on which it becomes inoperative and is
10 repealed.

11 ~~SEC. 41.~~

12 *SEC. 45.* Section 5622 of the Business and Professions Code
13 is amended to read:

14 5622. (a) The landscape architects committee may assist the
15 board in the examination of candidates for a landscape architect's
16 license and, after investigation, evaluate and make
17 recommendations regarding potential violations of this chapter.

18 (b) The landscape architects committee may investigate, assist,
19 and make recommendations to the board regarding the regulation
20 of landscape architects in this state.

21 (c) The landscape architects committee may perform duties
22 and functions that have been delegated to it by the board pursuant
23 to Section 5620.

24 (d) The landscape architects committee may send a
25 representative to all meetings of the full board to report on the
26 committee's activities.

27 (e) This section shall become inoperative on July 1, 2011, and,
28 as of January 1, 2012, is repealed, unless a later enacted statute,
29 that becomes operative on or before January 1, 2012, deletes or
30 extends the dates on which it becomes inoperative and is
31 repealed.

32 ~~SEC. 42.~~

33 *SEC. 46.* Section 5810 of the Business and Professions Code
34 is amended to read:

35 5810. (a) This chapter shall be subject to the review required
36 by Division 1.2 (commencing with Section 473).

37 (b) This chapter shall remain in effect only until January 1,
38 2010, and as of that date is repealed, unless a later enacted
39 statute, that is enacted before January 1, 2010, deletes or extends
40 that date.

1 *SEC. 47. Section 5811 of the Business and Professions Code*
2 *is amended to read:*

3 5811. An interior design organization issuing stamps under
4 Section 5801 shall provide to the Joint Committee on Boards,
5 Commissions, and Consumer Protection by September 1, 2005
6 2008, a report that reviews and assesses the costs and benefits
7 associated with the California Code and Regulations
8 Examination and explores feasible alternatives to that
9 examination.

10 ~~SEC. 43.~~

11 *SEC. 48. Section 6704 of the Business and Professions Code*
12 *is amended to read:*

13 6704. (a) In order to safeguard life, health, property, and
14 public welfare, no person shall practice civil, electrical, or
15 mechanical engineering unless appropriately licensed or
16 specifically exempted from licensure under this chapter, and only
17 persons licensed under this chapter shall be entitled to take and
18 use the titles “consulting engineer,” “professional engineer,” or
19 “registered engineer,” or any combination of those titles or
20 abbreviations thereof, and according to licensure with the board
21 the engineering branch titles specified in Section 6732, or the
22 authority titles specified in Sections 6736 and 6736.1, or the title
23 “engineer-in-training.”

24 (b) The provisions of this section shall not prevent the use of
25 the title “consulting engineer” by a person who has qualified for
26 and maintained exemption for using that title under the
27 provisions of Section 6732.1, or by a person licensed as a
28 photogrammetric surveyor.

29 ~~SEC. 44.~~

30 *SEC. 49. Section 6710 of the Business and Professions Code*
31 *is amended to read:*

32 6710. (a) There is in the Department of Consumer Affairs a
33 Board for Professional Engineers and Land Surveyors, which
34 consists of 13 members.

35 (b) Any reference in any law or regulation to the Board of
36 Registration for Professional Engineers and Land Surveyors is
37 deemed to refer to the Board for Professional Engineers and
38 Land Surveyors.

39 (c) This section shall become inoperative on July 1, 2011, and,
40 as of January 1, 2012, is repealed, unless a later enacted statute,

1 that becomes effective on or before January 1, 2012, deletes or
2 extends the dates on which it becomes inoperative and is
3 repealed. The repeal of this section renders the board subject to
4 the review required by Division 1.2 (commencing with Section
5 473).

6 ~~SEC. 45.~~

7 *SEC. 50.* Section 6712 of the Business and Professions Code
8 is amended to read:

9 6712. (a) All appointments to the board shall be for a term of
10 four years. Vacancies shall be filled by appointment for the
11 unexpired term. Each appointment thereafter shall be for a
12 four-year term expiring on June 30 of the fourth year following
13 the year in which the previous term expired.

14 (b) Each member shall hold office until the appointment and
15 qualification of his or her successor or until one year shall have
16 elapsed since the expiration of the term for which he or she was
17 appointed, whichever first occurs. No person shall serve as a
18 member of the board for more than two consecutive terms.

19 (c) The Governor shall appoint professional members so that
20 one is licensed to practice engineering as a civil engineer, one as
21 an electrical engineer, one as a mechanical engineer, another is
22 authorized to use the title of structural engineer, and one is a
23 member of one of the remaining branches of engineering. One of
24 the professional members licensed under this chapter shall be
25 from a local public agency, and one shall be from a state agency.

26 (d) The Governor shall appoint five of the public members and
27 the professional members qualified as provided in Section 6711.
28 The Senate Rules Committee and the Speaker of the Assembly
29 shall each appoint a public member.

30 ~~SEC. 46.~~

31 *SEC. 51.* Section 6714 of the Business and Professions Code
32 is amended to read:

33 6714. The board shall appoint an executive officer at a salary
34 to be fixed and determined by the board with the approval of the
35 Director of Finance.

36 This section shall become inoperative on July 1, 2011, and, as
37 of January 1, 2012, is repealed, unless a later enacted statute, that
38 becomes effective on or before January 1, 2012, deletes or
39 extends the dates on which it becomes inoperative and is
40 repealed.

~~SEC. 47.~~

SEC. 52. Section 6716 of the Business and Professions Code is amended to read:

6716. (a) The board may adopt rules and regulations consistent with law and necessary to govern its action. These rules and regulations shall be adopted in accordance with the provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(b) The board may adopt rules and regulations of professional conduct that are not inconsistent with state and federal law. The rules and regulations may include definitions of incompetence and negligence. Every person who holds a license or certificate issued by the board pursuant to this chapter shall be governed by these rules and regulations.

(c) The board shall hold at least two regular meetings each year. Special meetings shall be held at those times that the board's rules provide. A majority of the board constitutes a quorum.

~~SEC. 48.~~

SEC. 53. Section 6726.2 of the Business and Professions Code is amended to read:

6726.2. Each member of each technical advisory committee shall be an expert in the branch of engineering within the committee's jurisdiction and shall be licensed under this chapter.

~~SEC. 49.~~

SEC. 54. Section 6730 of the Business and Professions Code is amended to read:

6730. In order to safeguard life, health, property and public welfare, any person, either in a public or private capacity, except as in this chapter specifically excepted, who practices, or offers to practice, civil engineering, electrical engineering or mechanical engineering, in any of its branches in this state, including any person employed by the State of California, or any city, county, or city and county, who practices engineering, shall submit evidence that he or she is qualified to practice, and shall be licensed accordingly as a civil engineer, electrical engineer or mechanical engineer by the board.

1 ~~SEC. 50.~~

2 *SEC. 55.* Section 6732.3 of the Business and Professions
3 Code is amended to read:

4 6732.3. (a) Any person who has received from the board a
5 license in corrosion, manufacturing, quality, or safety
6 engineering, and who holds a valid license under this chapter,
7 may continue to use the branch title of the branch in which the
8 professional engineer is legally licensed. A person holding a
9 license in corrosion, manufacturing, quality, or safety
10 engineering is subject to the license renewal provisions of this
11 chapter.

12 (b) The professional engineer also may continue to use the title
13 of “professional engineer,” “licensed engineer,” “registered
14 engineer,” or “consulting engineer.”

15 ~~SEC. 51.~~

16 *SEC. 56.* Section 6732.5 is added to the Business and
17 Professions Code, to read:

18 6732.5. (a) Upon the discontinuance of a national
19 examination for a branch specified in this chapter, the board shall
20 not be required to administer an examination for a license in that
21 branch or be required to issue licenses in that branch.

22 (b) Any person who has received from the board a license in a
23 branch for which the national examination is discontinued, and
24 who holds a valid license ~~to practice professional engineering~~
25 under this chapter, may continue to use the branch title of the
26 branch in which the professional engineer is legally licensed. A
27 person holding a license in the affected branch of engineering is
28 subject to the license renewal provisions of this chapter. The
29 professional engineer may also continue to use the title of
30 “professional engineer,” “licensed engineer,” or “consulting
31 engineer.”

32 ~~SEC. 52.~~

33 *SEC. 57.* Section 6738 of the Business and Professions Code
34 is amended to read:

35 6738. (a) This chapter does not prohibit one or more civil,
36 electrical, or mechanical engineers from practicing or offering to
37 practice within the scope of their license civil (including
38 geotechnical and structural), electrical, or mechanical
39 engineering as a sole proprietorship, partnership, firm, or

1 corporation (hereinafter called business), if all of the following
2 requirements are met:

3 (1) A civil, electrical, or mechanical engineer currently
4 licensed in this state is an owner, partner, or officer in charge of
5 the engineering practice of the business.

6 (2) All civil, electrical, or mechanical engineering services are
7 performed by, or under the responsible charge of, a professional
8 engineer licensed in the appropriate branch of professional
9 engineering.

10 (3) If the business name of a California engineering business
11 contains the ~~full name, first and last name with or without a~~
12 ~~middle initial, or the last name~~ of any person, then that person
13 shall be licensed as a professional engineer, a licensed land
14 surveyor, a licensed architect, or a geologist registered under the
15 Geologist Act (Chapter 12.5 (commencing with Section 7800)).
16 Any offer, promotion, or advertisement by the business that
17 contains the name of any individual in the business, other than by
18 use of the name of an individual in the business name, shall
19 clearly and specifically designate the license or registration
20 discipline of each individual named.

21 (b) An out-of-state business with a branch office in this state
22 shall meet the requirements of subdivision (a) and shall have an
23 owner, partner, or officer who is in charge of the engineering
24 work in the branch in this state, who is licensed in this state, and
25 who is physically present at the branch office in this state on a
26 regular basis. However, the name of the business may contain the
27 name of any person not licensed in this state if that person is
28 appropriately registered or licensed in another state. Any offer,
29 promotion, or advertisement which contains the name of any
30 individual in the business, other than by use of the names of the
31 individuals in the business name, shall clearly and specifically
32 designate the license or registration discipline of each individual
33 named.

34 (c) The business name of a California engineering business
35 may be a fictitious name. However, if the fictitious name
36 includes the name of any person, the requirements of paragraph
37 (3) of subdivision (a) shall be met.

38 (d) A person not licensed under this chapter may also be a
39 partner or an officer of a civil, electrical, or mechanical
40 engineering business if the requirements of subdivision (a) are

1 met. Nothing in this section shall be construed to permit a person
2 who is not licensed under this chapter to be the sole owner of a
3 civil, electrical, or mechanical engineering business, unless
4 otherwise exempt under this chapter.

5 (e) This chapter does not prevent an individual or business
6 engaged in any line of endeavor other than the practice of civil,
7 electrical, or mechanical engineering from employing or
8 contracting with a licensed civil, electrical, or mechanical
9 engineer to perform the respective engineering services
10 incidental to the conduct of business.

11 (f) This section shall not prevent the use of the name of any
12 business engaged in rendering ~~professional~~ *civil, electrical, or*
13 *mechanical* engineering services, including the use by any lawful
14 successor or survivor, that lawfully was in existence on
15 December 31, 1987. However, the business is subject to
16 paragraphs (1) and (2) of subdivision (a).

17 (g) A business engaged in rendering civil, electrical, or
18 mechanical engineering services may use in its name the name of
19 a deceased or retired person provided all of the following
20 conditions are satisfied:

21 (1) The person's name had been used in the name of the
22 business, or a predecessor in interest of the business, prior to and
23 after the death or retirement of the person.

24 (2) The person shall have been an owner, partner, or officer of
25 the business, or an owner, partner, or officer of the predecessor in
26 interest of the business.

27 (3) The person shall have been licensed as a professional
28 engineer, or a land surveyor, or an architect, or a geologist, (A)
29 by the appropriate licensing board if that person is operating a
30 place of business or practice in this state, or (B) by the applicable
31 state board if no place of business existed in this state.

32 (4) The person, if retired, has consented to the use of the name
33 and does not permit the use of the name in the title of another
34 professional engineering business in this state during the period
35 of the consent. However, the retired person may use his or her
36 name as the name of a new or purchased business if it is not
37 identical in every respect to that person's name as used in the
38 former business.

39 (5) The business shall be subject to the provisions of
40 paragraphs (1) and (2) of subdivision (a).

1 (h) This section does not affect the provisions of Sections
2 6731.2 and 8726.1.

3 (i) A current organization record form shall be filed with the
4 board for all business engaged in rendering civil, electrical, or
5 mechanical engineering services.

6 ~~SEC. 53.~~

7 *SEC. 58.* Section 6740 of the Business and Professions Code
8 is amended to read:

9 6740. A subordinate to a civil, electrical or mechanical
10 engineer licensed under this chapter, or a subordinate to a civil,
11 electrical or mechanical engineer exempted from licensure under
12 this chapter, insofar as he or she acts solely in that capacity, is
13 exempt from licensure under the provisions of this chapter. This
14 exemption, however, does not permit any such subordinate to
15 practice civil, electrical or mechanical engineering in his or her
16 own right or to use the titles listed in Sections 6732, 6736, and
17 6736.1.

18 ~~SEC. 54.~~

19 *SEC. 59.* Section 6746.1 is added to the Business and
20 Professions Code, to read:

21 6746.1. The provisions of this chapter pertaining to licensure
22 of professional engineers, other than civil engineers, do not apply
23 to employees in the communications industry, nor to the
24 employees of contractors while engaged in work on
25 communications equipment. However, those employees may not
26 use any of the titles listed in Sections 6732, 6736, and 6736.1,
27 unless licensed.

28 ~~SEC. 55.~~

29 *SEC. 60.* Section 6750 of the Business and Professions Code
30 is amended to read:

31 6750. (a) An application for licensure as a professional
32 engineer or certification as an engineer-in-training shall be made
33 to the board on the prescribed form, with all statements made
34 therein under oath, and shall be accompanied by the application
35 fee prescribed by this chapter. An application for licensure as a
36 professional engineer shall specify, additionally, the branch of
37 engineering in which the applicant desires licensure.

38 (b) The board may authorize an organization specified by the
39 board pursuant to Section 6754 to receive directly from

1 applicants payment of the examination fees charged by that
2 organization as payment for examination materials and services.

3 ~~SEC. 56.~~

4 *SEC. 61.* Section 6753 of the Business and Professions Code
5 is amended to read:

6 6753. With respect to applicants for licensure as professional
7 engineers, the board:

8 (a) Shall give credit as qualifying experience of four years, for
9 graduation with an engineering degree from a college or
10 university the curriculum of which has been approved by the
11 board.

12 (b) May at its discretion give credit as qualifying experience
13 up to a maximum of two years, for graduation with an
14 engineering degree from a nonapproved engineering curriculum
15 or graduation with an engineering technology degree in an
16 approved engineering technology curriculum.

17 (c) May at its discretion give credit as qualifying experience of
18 up to one-half year, for each year of successfully completed
19 postsecondary study in an engineering curriculum up to a
20 maximum of four years credit. A year of study shall be at least 32
21 semester units or 48 quarter units.

22 (d) May at its discretion give credit as qualifying experience
23 not in excess of five years, for a postgraduate degree in a school
24 of engineering with a board approved undergraduate or
25 postgraduate curriculum.

26 (e) May at its discretion give credit as qualifying experience
27 for engineering teaching, not in excess of one year, if of a
28 character satisfactory to the board.

29 The sum of qualifying experience credit for subdivision (a) to
30 (e), inclusive, shall not exceed five years.

31 ~~SEC. 57.~~

32 *SEC. 62.* Section 6754 of the Business and Professions Code
33 is amended to read:

34 6754. Examination for licensure shall be held at such times
35 and places as the board shall determine.

36 The second division of the examination for all branches
37 specified in Section 6732 shall be administered at least once each
38 year.

39 Work of the board relating to examination and licensure may
40 be divided into committees as the board shall direct. The scope of

1 examinations and the methods of procedure may be prescribed by
2 board rule.

3 The board may make arrangements with a public or private
4 organization to conduct the examination. The board may contract
5 with a public or private organization for materials or services
6 related to the examination.

7 ~~SEC. 58.~~

8 *SEC. 63.* Section 6787 of the Business and Professions Code
9 is amended to read:

10 6787. Every person is guilty of a misdemeanor:

11 (a) Who, unless he or she is exempt from licensure under this
12 chapter, practices or offers to practice civil, electrical, or
13 mechanical engineering in this state according to the provisions
14 of this chapter without legal authorization.

15 (b) Who presents or attempts to file as his or her own the
16 certificate of licensure of a licensed professional engineer unless
17 he or she is the person named on the certificate of licensure.

18 (c) Who gives false evidence of any kind to the board, or to
19 any member thereof, in obtaining a certificate of licensure.

20 (d) Who impersonates or uses the seal of a licensed
21 professional engineer.

22 (e) Who uses an expired, suspended, surrendered, or revoked
23 certificate issued by the board.

24 (f) Who represents himself or herself as, or uses the title of, a
25 licensed or registered civil, electrical, or mechanical engineer, or
26 any other title whereby that person could be considered as
27 practicing or offering to practice civil, electrical, or mechanical
28 engineering in any of its branches, unless he or she is
29 correspondingly qualified by licensure as a civil, electrical, or
30 mechanical engineer under this chapter.

31 (g) Who, unless appropriately licensed, manages, or conducts
32 as manager, proprietor, or agent, any place of business from
33 which civil, electrical, or mechanical engineering work is
34 solicited, performed, or practiced, except as authorized pursuant
35 to subdivision (d) of Section 6738 and Section 8726.1.

36 (h) Who uses the title, or any combination of that title, of
37 “professional engineer,” “licensed engineer,” “registered
38 engineer,” or the branch titles specified in Section 6732, or the
39 authority titles specified in Sections 6736 and 6736.1, or
40 “engineer-in-training,” or who makes use of any abbreviation of

1 that title that might lead to the belief that he or she is a licensed
2 engineer, is authorized to use the titles specified in Section 6736
3 or 6736.1, or holds a certificate as an engineer-in-training,
4 without being licensed, authorized, or certified as required by this
5 chapter.

6 (i) Who uses the title “consulting engineer” without being
7 licensed as required by this chapter or without being authorized
8 to use that title pursuant to legislation enacted at the 1963, 1965
9 or 1968 Regular Session.

10 (j) Who violates any provision of this chapter.

11 ~~SEC. 59.~~

12 *SEC. 64.* Section 7000.5 of the Business and Professions
13 Code is amended to read:

14 7000.5. (a) There is in the Department of Consumer Affairs
15 a Contractors’ State License Board, which consists of 15
16 members.

17 (b) The repeal of this section renders the board subject to the
18 review required by Division 1.2 (commencing with Section 473).
19 However, the review of this board by the department shall be
20 limited to only those unresolved issues identified by the Joint
21 Committee on Boards, Commissions, and Consumer Protection.

22 (c) This section shall become inoperative on July 1, 2009, and,
23 as of January 1, 2010, is repealed, unless a later enacted statute,
24 which becomes effective on or before January 1, 2010, deletes or
25 extends the dates on which it becomes inoperative and is
26 repealed. The repeal of this section renders the board subject to
27 the review required by Division 1.2 (commencing with Section
28 473).

29 ~~SEC. 60.~~

30 *SEC. 65.* Section 7011 of the Business and Professions Code
31 is amended to read:

32 7011. The board, by and with the approval of the director,
33 shall appoint a registrar of contractors and fix his or her
34 compensation.

35 The registrar shall be the executive officer and secretary of the
36 board and shall carry out all of the administrative duties as
37 provided in this chapter and as delegated to him or her by the
38 board.

39 For the purpose of administration of this chapter, there may be
40 appointed a deputy registrar, a chief reviewing and hearing

1 officer, and, subject to Section 159.5, other assistants and
2 subordinates as may be necessary.

3 Appointments shall be made in accordance with the provisions
4 of civil service laws.

5 This section shall become inoperative on July 1, 2009, and, as
6 of January 1, 2010, is repealed, unless a later enacted statute,
7 which becomes effective on or before January 1, 2010, deletes or
8 extends the dates on which it becomes inoperative and is
9 repealed.

10 ~~SEC. 61.~~

11 *SEC. 66.* Section 7200 of the Business and Professions Code
12 is amended to read:

13 7200. (a) There is in the Department of Consumer Affairs a
14 State Board of Guide Dogs for the Blind in whom enforcement of
15 this chapter is vested. The board shall consist of seven members
16 appointed by the Governor. One member shall be the Director of
17 Rehabilitation or his or her designated representative. The
18 remaining members shall be persons who have shown a
19 particular interest in dealing with the problems of the blind, and
20 at least two of them shall be blind persons who use guide dogs.

21 (b) This section shall become inoperative on July 1, 2011, and,
22 as of January 1, 2012, is repealed, unless a later enacted statute,
23 which becomes effective on or before January 1, 2012, deletes or
24 extends the dates on which it becomes inoperative and is
25 repealed.

26 ~~SEC. 62.~~

27 *SEC. 67.* Section 7215.6 of the Business and Professions
28 Code is amended to read:

29 7215.6. (a) In order to provide a procedure for the resolution
30 of disputes between guide dog users and guide dog schools
31 relating to the continued physical custody and use of a guide dog,
32 in all cases except those in which the dog user is the
33 unconditional legal owner of the dog, the following arbitration
34 procedure shall be established as a pilot project.

35 (b) This procedure establishes an arbitration panel for the
36 settlement of disputes between a guide dog user and a licensed
37 guide dog school regarding the continued use of a guide dog by
38 the user in all cases except those in which the dog user is the
39 unconditional legal owner of the dog. The disputes that may be
40 subject to this procedure concern differences between the user

1 and school over whether or not a guide dog should continue to be
2 used, differences between the user and school regarding the
3 treatment of a dog by the user, and differences over whether or
4 not a user should continue to have custody of a dog pending
5 investigation of charges of abuse. It specifically does not address
6 issues such as admissions to schools, training practices, or other
7 issues relating to school standards. The board and its
8 representative are not parties to any dispute described in this
9 section.

10 (c) The licensed guide dog schools in California and the board
11 shall provide to guide dog users graduating from guide dog
12 programs in these schools a new avenue for the resolution of
13 disputes that involve continued use of a guide dog, or the actual
14 physical custody of a guide dog. Guide dog users who are
15 dissatisfied with decisions of schools regarding continued use of
16 guide dogs may appeal to the board to convene an arbitration
17 panel composed of all of the following:

- 18 (1) One person designated by the guide dog user.
- 19 (2) One person designated by the licensed guide dog school.
- 20 (3) A representative of the board who shall coordinate the
21 activities of the panel and serve as chair.

22 (d) If the guide dog user or guide dog school wishes to utilize
23 the arbitration panel, this must be stated in writing to the board.
24 The findings and decision of the arbitration panel shall be final
25 and binding. By voluntarily agreeing to having a dispute resolved
26 by the arbitration panel and subject to its procedures, each party
27 to the dispute shall waive any right for subsequent judicial
28 review.

29 (e) A licensed guide dog school that fails to comply with any
30 provision of this section shall automatically be subject to a
31 penalty of two hundred fifty dollars (\$250) per day for each day
32 in which a violation occurs. The penalty shall be paid to the
33 board. The license of a guide dog school shall not be renewed
34 until all penalties have been paid.

35 The fine shall be assessed without advance hearing, but the
36 licensee may apply to the board for a hearing on the issue of
37 whether the fine should be modified or set aside. This application
38 shall be in writing and shall be received by the board within 30
39 days after service of notice of the fine. Upon receipt of this

1 written request, the board shall set the matter for hearing within
2 60 days.

3 (f) As a general rule, custody of the guide dog shall remain
4 with the guide dog user pending a resolution by the arbitration
5 panel. In circumstances where the immediate health and safety of
6 the guide dog user or guide dog is threatened, the licensed school
7 may take custody of the dog at once. However, if the dog is
8 removed from the user's custody without the user's concurrence,
9 the school shall provide to the board the evidence that caused this
10 action to be taken at once and without fail; and within five
11 calendar days a special committee of two members of the board
12 shall make a determination regarding custody of the dog pending
13 hearing by the arbitration panel.

14 (g) The arbitration panel shall decide the best means to
15 determine final resolution in each case. This shall include, but is
16 not limited to, a hearing of the matter before the arbitration panel
17 at the request of either party to the dispute, an opportunity for
18 each party in the dispute to make presentations before the
19 arbitration panel, examination of the written record, or any other
20 inquiry as will best reveal the facts of the disputes. In any case,
21 the panel shall make its findings and complete its examination
22 within 45 calendar days of the date of filing the request for
23 arbitration, and a decision shall be rendered within 10 calendar
24 days of the examination.

25 All arbitration hearings shall be held at sites convenient to the
26 parties and with a view to minimizing costs. Each party to the
27 arbitration shall bear its own costs, except that the arbitration
28 panel, by unanimous agreement, may modify this arrangement.

29 (h) The board may study the effectiveness of the arbitration
30 panel pilot project in expediting resolution and reducing conflict
31 in disputes between guide dog users and guide dog schools and
32 may share its findings with the Legislature upon request.

33 (i) This section shall ~~cease to be operative~~ *become inoperative*
34 on July 1, 2011, and as of January 1, 2012, is repealed, unless a
35 later enacted statute, which is enacted before January 1, 2012,
36 deletes or extends that date.

37 ~~SEC. 63.~~

38 *SEC. 68.* Section 7810 of the Business and Professions Code
39 is amended to read:

1 7810. The Board for Geologists and Geophysicists is within
2 the department and is subject to the jurisdiction of the
3 department. Except as provided in this section, the board shall
4 consist of eight members, five of whom shall be public members,
5 two of whom shall be geologists, and one of whom shall be a
6 geophysicist.

7 Each member shall hold office until the appointment and
8 qualification of the member's successor or until one year has
9 elapsed from the expiration of the term for which the member
10 was appointed, whichever occurs first. Vacancies occurring prior
11 to the expiration of the term shall be filled by appointment for the
12 remainder of the unexpired term.

13 Each appointment shall be for a four-year term expiring June 1
14 of the fourth year following the year in which the previous term
15 expired. No person shall serve as a member of the board for more
16 than two consecutive terms.

17 The Governor shall appoint three of the public members and
18 the three members qualified as provided in Section 7811. The
19 Senate Committee on Rules and the Speaker of the Assembly
20 shall each appoint a public member, and their initial appointment
21 shall be made to fill, respectively, the first and second public
22 member vacancies that occurred on or after January 1, 1983.

23 At the time the first vacancy is created by the expiration of the
24 term of a public member appointed by the Governor, the board
25 shall be reduced to consist of seven members, four of whom shall
26 be public members, two of whom shall be geologists, and one of
27 whom shall be a geophysicist. Notwithstanding any other
28 provision of law, the term of that member shall not be extended
29 for any reason, except as provided in this section.

30 This section shall become inoperative on July 1, 2009, and, as
31 of January 1, 2010, is repealed, unless a later enacted statute, that
32 becomes operative on or before January 1, 2010, deletes or
33 extends the dates on which it becomes inoperative and is
34 repealed. The repeal of this section renders the board subject to
35 the review required by Division 1.2 (commencing with Section
36 473).

37 ~~SEC. 64.~~

38 SEC. 69. Section 7815.5 of the Business and Professions
39 Code is amended to read:

1 7815.5. The board may appoint a person exempt from civil
2 service who shall be designated as an executive officer and who
3 shall exercise the powers and perform the duties delegated by the
4 board and vested in him or her by this chapter.

5 This section shall become inoperative on July 1, 2009, and, as
6 of January 1, 2010, is repealed, unless a later enacted statute,
7 which becomes effective on or before January 1, 2010, deletes or
8 extends the dates on which it becomes inoperative and is
9 repealed.

10 ~~SEC. 65.~~

11 *SEC. 70.* Section 8000 of the Business and Professions Code
12 is amended to read:

13 8000. There is in the Department of Consumer Affairs a
14 Court Reporters Board of California, which consists of five
15 members, three of whom shall be public members and two of
16 whom shall be holders of certificates issued under this chapter
17 who have been actively engaged as shorthand reporters within
18 this state for at least five years immediately preceding their
19 appointment.

20 This section shall become inoperative on July 1, 2009, and, as
21 of January 1, 2010, is repealed, unless a later enacted statute,
22 which becomes effective on or before January 1, 2010, deletes or
23 extends the dates on which it becomes inoperative and is
24 repealed.

25 ~~SEC. 66.~~

26 *SEC. 71.* Section 8710 of the Business and Professions Code
27 is amended to read:

28 8710. (a) The Board for Professional Engineers and Land
29 Surveyors is vested with power to administer the provisions and
30 requirements of this chapter, and may make and enforce rules
31 and regulations that are reasonably necessary to carry out its
32 provisions.

33 (b) The board may adopt rules and regulations of professional
34 conduct that are not inconsistent with state and federal law. The
35 rules and regulations may include definitions of incompetence
36 and negligence. Every person who holds a license or certificate
37 issued by the board pursuant to this chapter, or a license or
38 certificate issued to a civil engineer pursuant to Chapter 7
39 (commencing with Section 6700), shall be governed by these
40 rules and regulations.

(c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section shall render the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 67.~~

SEC. 72. Section 8729 of the Business and Professions Code is amended to read:

8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the ~~full name, first and last name with or without a middle initial, or the last name~~ of a person, then that person shall be licensed by the board as a land surveyor or ~~registered~~ *licensed* by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer,

1 promotion, or advertisement that contains the name of any
2 individual in the business, other than by use of the name of the
3 individual in the business name, shall clearly and specifically
4 designate the license or registration discipline of each individual
5 named.

6 (c) The business name of a California land surveying business
7 may be a fictitious name. However, if the fictitious name
8 includes the names of any person, the requirements of paragraph
9 (3) of subdivision (a) shall be met.

10 (d) A person not licensed under this chapter or licensed as a
11 civil engineer in this state prior to 1982 may also be a partner or
12 an officer of a land surveying business if the conditions of
13 subdivision (a) are satisfied. Nothing in this section shall be
14 construed to permit a person who is not licensed under this
15 chapter or licensed as a civil engineer in this state prior to 1982
16 to be the sole owner or office of a land surveying business, unless
17 otherwise exempt under this chapter.

18 (e) This chapter does not prevent an individual or business
19 engaged in any line of endeavor, other than the practice of land
20 surveying, from employing or contracting with a licensed land
21 surveyor or a licensed civil engineer to perform the respective
22 land surveying services incidental to the conduct of business.

23 (f) This section shall not prevent the use of the name of any
24 business engaged in rendering land surveying services, including
25 the use by any lawful successor or survivor, that lawfully was in
26 existence on June 1, 1941. However, the business is subject to
27 the provisions of paragraphs (1) and (2) of subdivision (a).

28 (g) A business engaged in rendering land surveying services
29 may use in its name the name of a deceased or retired person if
30 the following conditions are satisfied:

31 (1) The person's name had been used in the name of the
32 business, or a predecessor in interest of the business, prior to the
33 death or retirement of the person.

34 (2) The person shall have been an owner, partner, or officer of
35 the business, or an owner, partner, or officer of the predecessor in
36 interest of the business.

37 (3) The person shall have been licensed as a land surveyor or a
38 civil engineer by the board, if operating a place of business or
39 practice in this state, or by an applicable state board in the event
40 no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use his or her name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

(h) This section does not affect Sections 6731.2 and 8726.1.

(i) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

~~SEC. 68:~~

SEC. 73. Section 8740 of the Business and Professions Code is amended to read:

8740. (a) An application for each division of the examination for a license as a land surveyor shall be made to the board on the form prescribed by it, with all statements therein made under oath, and shall be accompanied by the application fee fixed by this chapter.

(b) The board may authorize an organization specified by the board pursuant to Section 8747 to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.

~~SEC. 69:~~

SEC. 74. Section 8745 of the Business and Professions Code is amended to read:

8745. Examinations for license shall be held at such times and at such places within the state as determined by board rule.

The scope of examinations and the method of procedure shall be prescribed by board rule.

The board may make arrangements with a public or private organization to conduct the examination. The board may contract with a public or private organization for materials or services related to the examination.

SEC. 75. Section 22251 of the Business and Professions Code is amended to read:

22251. For the purposes of this chapter, the following words have the following meanings:

1 (a) (1) Except as otherwise provided in paragraph (2), “tax
2 preparer” includes:

3 (A) A person who, for a fee or for other consideration, assists
4 with or prepares tax returns for another person or who assumes
5 final responsibility for completed work on a return on which
6 preliminary work has been done by another person, or who holds
7 himself or herself out as offering those services. A person
8 engaged in that activity shall be deemed to be a separate person
9 for the purposes of this chapter, irrespective of affiliation with, or
10 employment by, another tax preparer.

11 (B) A corporation, partnership, association, or other entity that
12 has associated with it persons not exempted under Section 22258,
13 which persons shall have as part of their responsibilities the
14 preparation of data and ultimate signatory authority on tax
15 returns or that holds itself out as offering those services or having
16 that authority.

17 (2) Notwithstanding paragraph (1), “tax preparer” does not
18 include an employee who, as part of the regular clerical duties of
19 his or her employment, prepares his or her employer’s income,
20 sales, or payroll tax returns.

21 (b) “Tax return” means a return, declaration, statement, refund
22 claim, or other document required to be made or filed in
23 connection with state or federal income taxes or state bank and
24 corporation franchise taxes.

25 (c) An “approved curriculum provider,” for purposes of basic
26 instruction as described in subdivision (a) of Section 22255, and
27 continuing education as described in subdivision (b) of Section
28 22255, is one who has been approved by the council as defined in
29 subdivision (d). A curriculum provider who is approved by the
30 tax education council is exempt from Chapter 7 (commencing
31 with Section 94700) of Part 59 of Division 10 of the Education
32 Code.

33 (d) “Council” means the California Tax Education Council
34 that is a single organization made up of not more than one
35 representative from each professional society, association, or
36 other entity operating as a nonprofit corporation that chooses to
37 participate in the council and that represents tax preparers,
38 enrolled agents, attorneys, or certified public accountants with a
39 membership in California of at least 200 for the last three years,
40 and not more than one representative from each for-profit tax

1 preparation corporation that chooses to participate in the council
2 and that has at least 200 employees and has been operating in
3 California for the last three years. The council shall establish a
4 process by which ~~two~~ *six* individuals who are tax preparers
5 pursuant to Section 22255 are appointed to the council with full
6 voting privileges to serve terms as determined by the council,
7 with their initial terms being served on a staggered basis. A
8 person exempt from the requirements of this chapter pursuant to
9 Section 22258 is not eligible for appointment to the council,
10 other than an employee of an individual in an exempt category.

11 (e) “Client” means an individual for whom a tax preparer
12 performs or agrees to perform tax preparation services.

13 (f) “Refund anticipation loan” means a loan, whether provided
14 by the tax preparer or another entity, such as a financial
15 institution, in anticipation of, and whose payment is secured by,
16 a client’s federal or state income tax refund or by both.

17 (g) “Refund anticipation loan fee schedule” means a list or
18 table of refund anticipation loan fees that includes three or more
19 representative refund anticipation loan amounts. The schedule
20 shall separately list each fee or charge imposed, as well as a total
21 of all fees imposed, related to the making of a refund anticipation
22 loan. The schedule shall also include, for each representative loan
23 amount, the estimated annual percentage rate calculated under
24 the guidelines established by the federal Truth in Lending Act
25 (15 U.S.C. Sec. 1601 and following).

26 *SEC. 76. (a) Section 3 of this act shall become operative only*
27 *if Senate Bill 1472 of the 2005–06 Regular Session is not enacted*
28 *or, if enacted, does not amend Section 1601.1 of the Business and*
29 *Professions Code.*

30 *(b) Section 4 of this act shall become operative only if Senate*
31 *Bill 1472 of the 2005–06 Regular Session is not enacted or, if*
32 *enacted, does not amend Section 1742 of the Business and*
33 *Professions Code.*

34 ~~SEC. 70.~~

35 *SEC. 77.* No reimbursement is required by this act pursuant
36 to Section 6 of Article XIII B of the California Constitution
37 because the only costs that may be incurred by a local agency or
38 school district will be incurred because this act creates a new
39 crime or infraction, eliminates a crime or infraction, or changes
40 the penalty for a crime or infraction, within the meaning of

- 1 Section 17556 of the Government Code, or changes the
- 2 definition of a crime within the meaning of Section 6 of Article
- 3 XIII B of the California Constitution.

O